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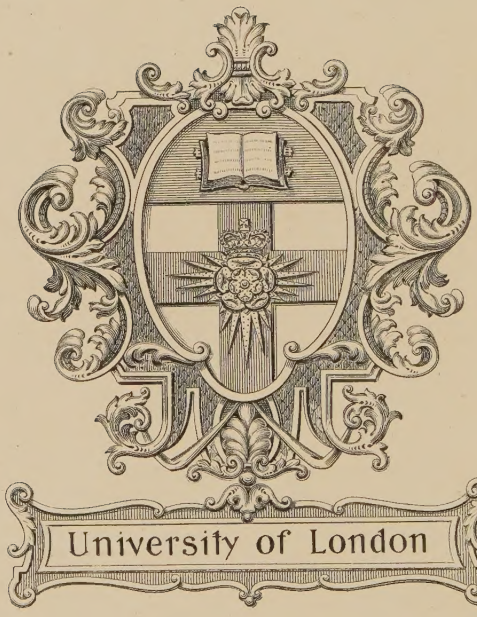

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

Fourth Series

VOLUME XI

LONDON
OFFICES OF THE SOCIETY
22 RUSSELL SQUARE, W.C.1
1928

Made and Printed in Great Britain by Butler & Tanner Ltd., Frome and London

BIBL.
LONDIN.
UNIV.

CONTENTS

PAGE

PRESIDENTIAL ADDRESS: "THE HUMAN SIDE OF MEDIÆVAL RECORDS." By *Professor T. F. Tout, D.Litt., F.B.A.* . 1

THE HISTORICAL STUDENT AND THE PUBLIC RECORD OFFICE. A Retrospect. By *A. E. Stamp, M.A., V.P., R.Hist.S., Deputy-keeper of the Public Records* 17

THE ANGLO-RUSSIAN RELATIONS DURING THE FIRST ENGLISH REVOLUTION. By *Madame Inna Lubimenko, D. ès Lettres* 39

THE MERCHANT ADVENTURERS OF BRISTOL IN THE FIFTEENTH CENTURY. By *Miss E. M. Carus-Wilson, M.A.* . . . 61

A STUDY IN THE HISTORY OF CLARE, SUFFOLK; WITH SPECIAL REFERENCE TO ITS DEVELOPMENT AS A BOROUGH. (ALEXANDER PRIZE ESSAY, 1928.) By *Miss Gladys A. Thornton, B.A., Ph.D.* 83

POLYDORE VERGIL'S WILL. By *E. A. Whitney, Ph.D.*, and *P. P. Cram., Ph.D. (of Harvard University)* 117

THE ORIGINS OF PARLIAMENT. By *H. G. Richardson, M.A., B.Sc., F.R.Hist.S.* 137

INDEX 185

REPORT OF COUNCIL 197

LIST OF FELLOWS AND ASSOCIATED BODIES 207

TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By Professor T. F. Tout, D.Litt., LL.D., F.B.A.

Delivered 9 February, 1928

The Human Side of Mediæval Records

One of the most invidious duties of the President of the Royal Historical Society is the obligation to deliver an annual address to his constituents. This obligation is perhaps the harder, since he is absolutely free to talk about anything that he likes, provided only that it has some relation, near or distant, to things historical. This year the obligation comes upon me with particular severity, because I am working night and day in seeing through the press two more volumes of a book whose composition has lain heavily on my soul for the last twenty years, and I must conclude this task speedily, since in ten days I am sailing for the United States of America and shall, therefore, have to crave leave of this Society to neglect my duties to it until I come back in the Fall. Under these conditions, I shall have, for several months, to say good-bye to those administrative records with which I have lived for the best part of a generation. Parting from old friends is always a sad thing. One is prone to dwell upon such an occasion on their more endearing and attractive qualities, even when in daily association we are sometimes too apt to regard them as tedious, dull, and unprofitable. Accordingly I do not

think I can do better to-day than pay a tribute to the records to which I owe nearly all my material, and suggest to you that they are not nearly so tedious and dull on intimate acquaintance, as they seem to be to those who have only a casual knowledge of them. I propose therefore to speak to you to-day of the more human side of these records of buried ages. I do this and that the more cheerfully since many would have us believe that humanity is just the quality which they most lack.

For a generation mediæval historians have been shaking off the domination of the chronicler and relying more and more on records as the more authentic source of their material. But there is loss as well as gain in such a process, inevitable as the process must be. We lose colour, coherence, personality and charm when we abandon narrative history for the study of isolated and unrelated facts, presented in the vast rolls and registers which preserve for us the innumerable letters, writs, accounts and mandates by which the Government of a country announced its will to its subjects and directed them to do, or to forbear doing, this act or another. Such records are necessarily technical, and involve the endless writing out of repulsive common forms that seem a weariness to the flesh. We are fortunate, in England, in possessing a more copious and complete collection of mediæval records than any other country in the world. Their bulk is overwhelming, their interrelations difficult to understand, and the mass of them seem taken up with technicalities and formalities that have long lost any value that they once may have possessed.

The very clerks who wrote out the documents emanating from the offices of state were bored to death by the repulsive monotony of their daily task. It is not often that we can get into the mind of the mediæval scribe or official, but we are lucky in the fact that one civil servant of the later Middle Ages was a poet, given to writing verses with an autobiographical touch in them. This was Thomas Hoccleve, clerk of the privy seal for the first quarter of the

fifteenth century, who has described in pathetic language the weariness of writing out writs of privy seal, based upon common form and precedent. Many men tell us, he says, that writing is no hard labour, but simply a game, a diversion. But men, who have had no experience of the pains and difficulties of a clerk's life, are no more qualified to pass judgment on the clerk's labours than a blind man is to distinguish between colours. It is indeed a greater labour than it seems. The writer by profession has to concentrate himself wholly on his task. When plying his quill, he cannot talk to his friends, nor sing nor play, nor jest. How much happier is the craftsman who can do all these things while working at his trade! Such a man may well labour with gladness, but the clerk has to work in laborious silence, stooping and staring at the sheep's skin and keeping in his song and words. Years devoted to this painful task give the professional writer three great troubles: pains in the stomach, the back, and the eyes. After three-and-twenty years of such labours Hoccleve's body was full of aches and pains, his eyesight ruined, and his discomfort the more since his reward was scanty and his wages slowly and irregularly paid. We must not take this whining complaint too literally, for Hoccleve's own muse shows us that there were diversions of various sorts within the reach of the poor clerk of the privy seal. But even we moderns must recognise that there is something in Hoccleve's complaint of the dullness and laboriousness of the life of the professional scribe. Moreover, for all its dullness Hoccleve stuck to his job and became a proficient in it. The proof of this is the large manuscript volume in the British Museum, wherein he set down all conceivable common forms of privy seal writs to guide the novice in the office towards attaining knowledge of its technicalities.

As we turn over the countless enrolments and originals that flowed from the pen of the mediæval civil servant, we find that there were other methods of letting off the steam engendered by monotonous employment, than composing

bad verses in dispraise of the writer's profession. Here and there the student of records, who finds, like Hoccleve, his occupation laborious and a source of eye-strain, has his diversion in discovering occasional irrelevant marginalia in which the scribe took his revenge on his monotonous trade. Some of these are amusing, a good many profane or improper, many are simply dull and stupid, but more are abundantly instructive. All represent a human element that strongly creeps out from time to time even in the dullest of records. A few examples, taken almost at random, may now be given of these diversions of the mediæval official mind. Let us quote some instances of these varied types of deviations from the letter of the business in hand.

A list of the wages of those of Edward I's household, not entitled to take their meals in the King's hall at the King's expense, is in the nature of things deadly dull, though not without its use to the administrative historian. One particular roll of this sort was drawn up by a certain John Collingbourn. To this, after the business part was concluded, a profane and not very humorous hand added his little joke : "There was a man sent from God whose name was John. Among those born of women there has not arisen a greater man than John." Was this sarcasm or gratitude? Anyhow, it is a rather poor joke. But it gives one an opportunity, which we shall find is constantly repeated, of doubting the doctrine of my friend Dr. Coulton that a knowledge of Scripture was rarely to be found in the Middle Ages. Here the Government clerk knew his Bible not wisely but too well. It may well be that a profane parody is not the best way of using Holy Writ. But it presupposes the knowledge of the text which is sometimes said to be lacking. The student of the quaint byway of mediæval literature, the passion, will often have occasion to realise the intimate acquaintance of some mediæval clerks with their Bible.

Not only the Bible but the Church services and the creeds were parodied in the same manner. The profane hand found a particular scope for his talents in the later years of

Edward I, when war abroad and confusion at home drove the official accounts into long arrears. Sometimes the marginal note was a mere joke, unrelated to the matter of the record, but perhaps suggestive of the sense of unreality of drawing up belated accounts, which for all their wealth of detail give no real statement of the financial position of the Government. We may take as an instance the parody of the Athanasian Creed in the profane remark on the margin of a belated wardrobe account of 31 Edward I, "Quicunque vult saluus esse ad tabernam debet esse seruare luxuriam." Hoccleve's confessions in his poems show that, a hundred years later, the tavern and undesirable company were still favourite recreations of the official after office hours.

A profane marginal note on a wardrobe account of 1306, which was only presented to the exchequer in 1322 and only passed by it some twelve years later, records how parts of the statement were not thoroughly examined. One reason for this was that most of the accounting parties had long been dead and were, therefore, not in a position to testify personally as to the correctness of the documents drawn up in their names. This was suggested in a cryptic note: "Let them give their testimony in heaven; let them give their testimony on behalf of the Son and the Holy Spirit." This seems a jest based on the thirty years that the accounts had taken to mature.

Sometimes the marginal note has more reference to the serious content of the document which suggested it. Thus when Edward of Carnarvon was still Prince of Wales, a visit to him was paid by his young cousins, Thomas and Henry of Lancaster, and John of Brabant, who was affianced to his sister. Their entertainment forced up the expenses of the prince's household, and his clerks, after recording the cost of the visit, add rather bitterly: "They are still staying on, and consequently this day is exceedingly costly." Sometimes, however, the annotation is a pure irrelevancy. Thus in a wardrobe account of Edward II, the accounting officer, John Ockham, one of the minor masterful personali-

ties of the reign, amused himself by writing the following note in its margin: "Let it be remembered that John Ockham lent John Medburn his book, called the *liber dictaminis* of Peter of Vinea and Thomas of Capua, from Monday the first of March, to Monday, the eighth day of that month, in consideration of the payment of one goose to the aforesaid John Ockham before the quindene of Easter. And if Medburn does not return the said book, it is agreed between the parties that he shall pay one goose for each week that the book remains in his possession." Books were dear in the Middle Ages, and the book in question was a standard treatise on the art of composing formal documents which the men of the period called *dictamen*. But allowing for this, we cannot but feel that here is outrageous usury, though payable not in cash but in geese. In the financial transactions between members of the King's household *Geldwirthschaft* had not yet entirely replaced *Naturalwirthschaft*.

One of the troubles of mediæval correspondence is that the order of it is formal, official, and therefore tedious. In the midst of this common form we sometimes find lurking a private communication more or less relevant to the business in hand. Thus when William of Wykeham, at the time keeper of Edward III's works at Windsor, wanted a commission under the great seal to order him to sell some of the King's horses, he produced a formal writ of privy seal addressed to its keeper in the usual way, but he scrawled in the margin of the parchment a personal note to David Wooler, then the keeper: "Sir,—Please be good enough to get this business settled as soon as you possibly can, as I trust in your good friendship. Yours, William de Wykeham." Then as now a friend at court helped to get things settled promptly, but now that paper is cheap the modern would probably send a separate note. But the combination of the two on one wisp of parchment has enabled the modern to see an authentic autograph of the great bishop and pious founder at the outset of his career.

Another autograph of an eminent person, which has

survived in a similar accidental manner, is that of Richard Bury, the reputed author of the *Philobiblon*, when he also was keeper of the privy seal. This letter survives, however, not in the Record Office but at Rome in the Archives of the Vatican, where Mr. C. G. Crump copied it and published it in the *English Historical Review*. It was, one imagines, too confidential to be preserved in any office of the English crown. It was when Edward III, with the help of Bury and other court officers, was trying to shake off the yoke of his mother and Roger Mortimer. The Pope had been puzzled to distinguish between the many contradictory requests which reached the papal court in royal letters. In some of them it looked as if the King's ministers used the royal name to further their own purposes. Others, however, might well be things which Edward had "tenderly at heart" and really wished to be carried through. Accordingly, a letter was written in Bury's own hand, telling the Pope that any letters of the King's privy seal or signet which began with the words "Pater Sancte," written in the King's own hand, conveyed the young monarch's personal wishes. Along with the print of Bury's document, Mr. Crump has reproduced in facsimile the boyish hand of the young King, addressing the Holy Father in a script curiously unlike the formal hand of the good official who drafted the rest of the letter. However, in a few months Edward got the better of Mortimer and had, we imagine, no longer need to adopt this device for enabling the Pope to distinguish between the acts of ministers whom the King hated and the personal wishes of the King himself.

One could multiply indefinitely such instances, but enough has been done to suggest what may be alleviations of a monotonous task to the modern student as well as to the clerk or king who drew them up. We may pass over such impersonal evidences of weariness as the innumerable small drawings, such as the spirited sketches of monkeys, angels and flowers which I remember noticing on a receipt roll of the reign of Richard II. Let us rather turn from ad-

ventitious decorations or excrescences of records to the contents of the documents themselves. Are the records always so dull and lifeless as is sometimes made out? Is it not rather that the traditional contrast between the human and lively chronicle and the dull and formal record one of those slipshod generalisations that come most easily from the lips of those who have at best a bowing acquaintance with any of these types of documents? It does not need wide reading among the narrative sources of the Middle Ages to make us realise that a chronicle is often unspeakably dull. It is my busines now to show you that the record may enshrine facts of dramatic interest which appeal to our most human emotions.

Even when the record is on the face of it dull enough, touches of human interest may be derived from it, for those who have eyes to see and ears to hear. Here we must distinguish between the human touch which a humorous scribe puts designedly in the midst of a dull record, and the record which tells a story which is interesting in itself. A few instances of both these types may be culled at random.

The bulk of mediæval records fall into two chief categories. One is the record of the proceedings of courts of justice: the other is the record of the acts of administrative offices of state. It was reserved to Maitland to prove by examples that even the Year Books, which are roughly reports, probably unofficial, of the proceedings of the King's high courts of justice, contain an abundant human element, even though this element is minimised by their being drawn up for the instruction of law students, eager to be taught the law, and not, like the law reports of a modern newspaper, directed to amusing or scandalising their readers by giving special prominence to anything humorous or sensational. But a similar human touch can be found even in the formal rolls which set down the proceedings of the same courts, and which carry us farther back in history than the Year Books. We may illustrate this by quoting a few references to cases recorded in the *Rotuli Curiæ Regis*, three volumes of which,

dealing with parts of the reigns of Richard I and John, have recently been published. It looks as if the clerks, engaged in enrolling tne acts of the highest court of justice in the realm, had amused themselves by introducing into the roll little bits of humour of their own. Thus an attorney, otherwise unnamed, is called " Suspirium et Fletus," " Sigh and Tears," apparently because of his dismal nature. The clerk was so pleased with his little joke that next year, when the same attorney came forward in the same case, he called him " Dolor vel Suspirium," " Grief or Sigh." This attorney's failure to win his client's case may perhaps have contributed to the depressed condition suggested by his nickname. Again, a lady, twice described quite respectfully as Agnes, wife of Herbert of Saint-Quentin, must have shown a temper that irritated either the court or its clerk, for in a third reference she is rudely called " Sir Agnes, the shrew of Herbert of Saint Quentin " (sire Agnetem viraginem suam), a suggestion not so much of knightly status as of bad temper in the lady. In the same frivolous spirit the clerk makes a judge quote Horace, and tells us in the language of the *Magnificat* how a plaintiff deposed her mighty steward " from his seat and exalted the humble and meek." Humour is interwoven into the text of the enrolment when the withdrawal of a suit is set down to the credit of the judge, the plaintiff and Pollard the usher, or when the enrolment of the verdict of a jury of sixteen Suffolk knights includes the statement of the knights that neither they nor anyone else, save God alone, knew the amount of damage which a market set up at Lakenheath by the bishop of Ely, did to the market, of the abbot of Bury in his own town of Bury St. Edmunds. Again, a litigant is described as a " wonderful drinker." And a lady suitor, who married before her cause was determined, was ordered by the court to make a new appearance at Westminster, since the court considered that ladies, when they married, sometimes changed their minds. And in leaving these examples of official sprightliness in the early days of John, it would be ungracious not to express a

word of thanks to the learned editor of the *Curia Regis Rolls*, Mr. C. T. Flower, for having collected them all together in his noble index under the heading "Curia Regis Rolls. Instances of humour, etc., in enrolments on." The cautious *et cetera* is much to be commended. Would that all other index makers of works of erudition were as thorough in their job!

I have spoken of the formality of mediæval correspondence. It is only with the fourteenth, and still more with the fifteenth, century that the private letter emerges with all its sincerity and directness. Every one knows the light that the correspondence of the Norfolk family of Paston throws on the social history of the period of the Wars of the Roses. This Society claims the honour of having given to the world the two collections of late mediæval private correspondence that approach most nearly to the Paston Letters in human as well as in historical interest. But I doubt whether even our secretary, the excellent editor of the Cely papers, could claim for them any superabundance of humour, or whether the Stonor papers, so admirably edited by the late Mr. Kingsford, are very rich in that quality. Both Cely and Stonor letters come from that happy hunting-ground for the seeker after human interest in records, the *Ancient Correspondence* series preserved in the Public Record Office. Later searchers may not have the good luck of pioneers, like Mr. Malden and Mr. Kingsford, but I am confident that there are treasures still scattered through the collection which have not yet been unearthed. Take, for instance, the letter of an unnamed clerk of chancery in the early years of the fourteenth century which Mr. Sayles has recently published in the *Scottish Historical Review*. It is the dignified remonstrance of an unsuccessful chancery officer, addressed to a nameless chancellor who was, I feel confident, John Langton, twice chancellor under Edward I and Edward II. It was, I believe, written during Langton's second term of office under Edward II. Langton had been all his working life a chancery clerk and had made his way to

the headship of the great ministry of state, his promotion being facilitated by Edward I's policy of promoting to ministerial posts officials rather than magnates. His correspondent was an old comrade of Langton in the office of chancery, a fellow inmate of the same *hospicium* under the same *magister*, and roused to wrath that a certain Nicholas Bassingburn "now occupies my place." "But please notice," he goes on, "that I have done more work in the chancery of the present King than Nicholas has done, and I will pledge myself only to occupy such a place as he occupies, though I am the senior and quicker in my business. And most of all I regret that you have transferred my clerk to his service, though both the clerk and I are unwilling to make the change. Let me implore you, now that you are called to so great a position, to think of your colleagues and contemporaries who lived with you in the household of our first master." I mention this here to my shame because Mr. Sayles' happy find gave a final blow to a rash speculation of my own which still survives in print to testify to the fallibility of the historian. For us now, however, it is pre-eminently a document of human interest, showing that over six hundred years ago the civil servant had just the same ambitions and just the same trials as his modern successors. Even now a successful man may not escape appeals from those who had started on the same road with him but had not proceeded very far along it. The "mediæval mind" is not so very different in essentials from the "modern mind."

But I must not tarry longer on the fringes of my subject. I have still to emphasise my main point, which is this, that not only in marginalia, and in humorous asides, not only in an occasional private letter, but also in the very substance of official letters, at first sight dull and wearisome, the understanding eye and the imaginative mind may discern precious stories of lively human interest. A "roll of the penalties incurred in the account" is a dull enough document. But it is lively enough to read that in 1298 one Master

Robert, the King's *panetarius* or pantler, had his wages stopped for a month because he neither produced, nor tried to produce, bread suitable for the consumption of the knights resident and boarding in the King's hall. The King and his knights were at Ghent, and the consequence of Master Robert's remissness was that, "to the contempt of the King," his knights had to go into the town of Ghent and buy for themselves bread suitable for their consumption. Nor was the *panetarius* the only negligent official. The clerk of the kitchen, who was responsible for the whole department, and the *puletarius*, the poultry man, with whom lay the immediate charge of the purchase of the poultry for the King's household, were heavily fined for "fowls ill bought on Sunday." I imagine this means that they bought bad chickens, not that it was unlawful to go to market for them on Sunday, for, though the church sometimes preached Sabbatarianism, mediæval practice was by no means Sabbatarian.

To go to more general matters still—how much human interest lies in many of the most arid of judicial records! It is from them that we get the nearest possible approach to the real facts of those official and judicial scandals which recurred in the mediæval world as often as they now seem to do in certain countries which it is not expedient to name. It is more than twenty years since our ever zealous Director, Dr. Hall, inspired me and an old pupil, who is now a member of our Council, to publish the more succulent parts of the trials of the Judges, accused of corruption in 1289–90, involving both the circumstantial accusations and the lame and impotent conclusions which finally hushed up the scandal. That my colleague retains her eye to the picturesque aspect of the record is to be read in *History*, where she published her brilliant paper on "Every Day Life in Some Mediæval Records." And my obligations to Professor Johnstone are the greater since it was her article that first set me to work on the lines of this address in which I have tried to show how a certain shuffling of the

same cards might illustrate the human as well as the daily aspects of mediæval life.

When dealing with judicial records I may refer to the picturesque story of a mediæval burglary in 1303, which I published nearly thirteen years ago. The King's treasures, stowed away in the crypt underneath the chapter house of Westminster Abbey, were stolen by a disreputable person called Richard Pudlicott, who was in due course accused of the crime. In his desire to shield his accomplices among the monks of Westminster, Pudlicott made a circumstantial confession in which he heroically took all the blame on himself. He explained how he had with his own hands made a hole from the outside through the wall, some thirteen feet thick, of the chapter house. To do this he had to work in the open churchyard of St. Margaret's church, traversed constantly by passers-by and with its grazing rented out to a butcher, who constantly came to watch his sheep. He made, indeed, some effort to stop the wayfarer and to withdraw from the butcher his grazing rights, rights which could have had only limited value between Christmas and Easter, the time when Pudlicott was at work boring his hole through the solid masonry. As an additional precaution Pudlicott sowed hempseed, which was intended, as it grew up, to hide the great gash in the wall which he took three months to make. It must have been a singularly mild winter and early spring that permitted the young hemp to leap up in such profusion as to effect this purpose. But it was his object to show that he got at the treasure from the outside, since admission to it from the inside of the abbey meant some sort of collusion between the burglar and the monks. But the facts confessed were too grossly absurd to take in the most credulous, and the monks remained under suspicion, though the charges against them were not pressed, to avoid scandal to the church. Pudlicott's highly imaginative confession did not save him from the gallows. The incident was thus terminated. But his lying confession has its picturesque side, and

shows clearly what good reading a mediæval record may afford.

Again, let me refer to another and even more austere source of the picturesque in the *Memoranda Rolls* of the exchequer, and notably to the really vivid account in which the barons of the exchequer informed Edward II in vernacular French how certain lords of the opposition burst into the full session of the Exchequer of Receipt and bade Walter Langton the treasurer withdraw from the office from which the barons had decreed his removal. So emphatic was their action that Langton abandoned his seat and practically gave up political life. But the best of chroniclers could not have pictured the dramatic scene better than did these anonymous officials as a simple part of their official duties. This letter can be read in print in Mr. Conway Davies' learned book on *The Baronial Opposition to Edward II*. There are many similar treasures still lurking in the bulky manuscripts of the *Memoranda Rolls*. But I should deceive you badly if I suggested that these records are as a whole attractive as they are in parts.

All these instances of the human element in records I have taken from English sources. That is mainly because my own recent reading has been mainly of English records. No doubt the student of continental history could prove that the human touch is not a special prerogative of our own island, but is to be found in equal abundance all over Western Europe. One continental illustration may perhaps be permitted, and that the more since it comes from a by-way rather than one of the great highways of history. I have said that the mediæval records of the English crown are almost unique in their completeness and in the extent to which they have survived. Perhaps the continental kingdom that comes nearest to us in this good fortune is the Kingdom of Aragon, whose archives, now preserved at Barcelona, are of wonderful completeness and until recently little studied. Catalan patriots, eager to show the importance

of their land and speech, have made large portions of them accessible in print. A learned German, Dr. Finke, has supplemented their labours by publishing copious extracts from the archives of Aragon during the fourteenth century. At a time when nearly all extant English letters tend to formality, we find in these documents, both those in Latin and still more those in Catalan, a personal note, a human interest, an insight into motives, and the colour and life so singularly lacking in English correspondence of the same period. We can get from the letters of the Aragonese ambassadors a picture of the Avignon pontiffs and their courts that is, so far as I know, otherwise unprocurable. We are taken behind the scenes and see the wirepulling and intrigues of the papal curia. We have personal characterisations, like that of William of Nogaret, "a body without a soul," or that of John XXII, "meagre in body and meagre in giving favours," yet very human even in his weaknesses, as when he chuckles at demonstrating his ability to understand Catalan, roundly calls his predecessor, Boniface VIII, "that fool," and explains how it is to the interest of kings as well as popes that overgrown dioceses, like Toulouse or Tarragona, should be dismembered, since it is as much to the interest of the temporal as of the spiritual ruler that the over-mighty prelate, like the over-mighty baron, should have his powers cut down. We sometimes are tempted to believe that all mediæval men were alike, that all were cut according to a very small stock of patterns. May it not be our lack of the right material rather than the limitations of the men themselves that makes it so hard for us to visualise the personalities of the fourteenth century?

Such instances of the human touch in records might be multiplied indefinitely, but set forth at greater length they would become tedious. I have chosen to give you my illustrations from passages that occurred to me in the course of my own work. Others could give as many or more examples from theirs. To take only two instances. Is not the seamy side of mediæval monasticism written out large in

the records of the episcopal visitations of which Dr. Coulton has made so large and able a use in tracking the criminous religious through the centuries? How human, again, are such things as the deliberate falsification of the roll of Richard II's last parliament to give a pretext of justification for that monarch's acts of tyranny! But I have given evidence enough to show that records are not always dull. Used with imagination, insight, a touch of humour, and a resolution to recognise the light and shade of the picture, they afford material for reconstructing, in colours both bright and true, the story of the remote past. To do this properly requires gifts that few of us can claim. We must not expect all our historians to be as readable as Macaulay, or as vivid as John Richard Green. But even the dullest of us can make our history more interesting and instructive by the judicious use of records.

THE PUBLIC RECORD OFFICE AND THE HISTORICAL STUDENT—A RETROSPECT

By A. E. Stamp, M.A. V.P., R.Hist.S., Deputy-Keeper of the Public Records.

Read 8 *March*, 1928

It is a curious coincidence that to-day should have been fixed for me to read a paper on my memories of the Public Record Office, for I entered as a junior clerk on 9 March, 1893, so that when I left the office this afternoon I had completed exactly thirty-five years' service.

At that time Sir Henry Maxwell Lyte had been Deputy-Keeper for just over seven years; one volume of the *Calendar of Patent Rolls* (1327–30) had been published, and the late Mr. W. H. Stevenson had just finished the first volume of the *Calendar of Close Rolls* (1307–13). The *Patent Rolls* have now been completely calendared from the reign of Henry III to the end of the reign of Edward VI, and the *Close Rolls* to the end of the reign of Henry V, although the whole of the latter calendar has not yet been published.

I remember well the appearance, shortly after my arrival, of the second volume of Lists and Indexes, the list of Declared Accounts. A rebuke which I received on that occasion has made an indelible impression on my memory. I was rash enough to point out to the authorities that the Master of the Mint who appears in this list as Sir J. Newton was more generally known in the outside world as Sir Isaac. "I should be better employed in learning my duties than in criticising the work of my seniors." Fifty volumes of this series are now on our shelves.

I am sorry that the Treasury did not see its way to

allowing my official report for 1926 to be printed, as it contains an attempt at an appreciation of the services of Sir Henry Maxwell Lyte as Deputy-Keeper of the Public Records. I propose to read this to you later on.

If any student would like to make a scientific study of the difference in the conditions and facilities then and now he cannot do better than to read Mr. Walter Rye's *Records and Record Searching*, published in 1897, and with its assistance compare the various editions of Mr. Scargill-Bird's *Guide* with each other and with Mr. Giuseppi's *Guide*, published quite recently. I do not propose to make a detailed study of this kind now. I only offer a few facts that have impressed themselves on my memory.

The great structural changes in the office have not made much difference to students working there, so I will merely call to mind that the Chancery Lane block was in 1893 only represented by a hoarding, the old houses in Chancery Lane in which records had been until lately stored having just been demolished. The Rolls Chapel stood where the Museum is now. Standing well back, to the north of the Museum, was the old Rolls House. The little court in which uutil recently the Master of the Rolls had been accustomed to sit was fitted up as a library, but the royal arms and canopy over the judge's seat were still there. The miserable collection of books contained in it bears hardly any relation to the really excellent topographical and historical library that has been gradually accumulated for our use: mainly through the efforts of Mr. Charles Johnson, seconded most admirably by his assistant the late Mr. Theodore Craib.

On what is now the green to the south stood the building known as Officers' Chambers. To an earlier generation it had been known as Judges' Chambers, or, in the slang of the legal profession, the Bear Garden. Here the Chancery Judges had sat in Chambers until their removal to better accommodation.

As I began my official life in the Government Search Room I may perhaps be allowed to speak of this first. The

Government Search Room was not then the bright, sunny room on the south side of the office now known by that name, but the square room with a pillar in the middle, facing west and shaded from the south by the main building, so that it never gets the sun except for a very short time on summer afternoons : the room that is now used as a supplementary search room.

It was then in charge of Mr. Hubert Hall. It had previously been in charge of Mr. Alfred Kingston, who had also been resident officer and, as his junior, Mr. Hall had some opportunity of independent work. He had used it partly to reduce the War Office records, which had been in a state of chaos, to some sort of order ; but unfortunately he succeeded to the charge of the room before he could complete the good work and produce a series of finished lists of the departmental records.

The purpose of the Government Search Room, as you all know, is to provide a room for students who have permission to see documents not generally open to the public ; and in this way we were the successors of the old State Paper Office. Now that most of the records are open down to 1878 the business of the Government Search Room is nearly gone. In 1893 the records of the Home Office, the Foreign Office and the Colonial Office were open to general inspection down to 1760. After that date, down to 1802, they might be seen without special permission, but subject to a strict censorship. After 1802 the permission of the relevant department had to be obtained first.

These rules were observed so strictly that I remember having to turn over thousands of slips made for the late Mr. B. F. Stevens, containing only the names of writers and recipients and dates of letters, with their official references. And this scrutiny was repeated at the Foreign Office before the notes could be handed to Mr. Stevens. Mr. Stevens was dealing with the period 1775 to 1782.

The limiting date had been 1688 not many years before. In the days of Macaulay, anyone wishing to use State papers

of a later date than this had first to say generally what books he wished to see. These were examined to see if *prima facie* they contained anything objectionable from the official point of view. The student was then allowed to go through them and make a list of the papers of which he desired copies. The list was submitted to the Secretary of State with the original documents, and after another scrutiny the letters which were passed were allowed to be copied, at the student's expense, by the officials of the State Paper Office, who eked out their meagre salaries by the fees so obtained.

The records of the War Office and Admiralty were open more liberally, especially the more personal records, musters, pay lists, returns and records of services and the like, but this liberality was rather nullified by the non-existence of any practicable lists. It is true that there were printed lists of War Office and Admiralty records, but the former omitted nearly everything that anyone ever wanted to see, and the latter was nearly as bad, as it left out all the manuscript indexes and all the personal records.

There were printed lists of Home Office, Foreign Office and Colonial Office records with which little fault was to be found except that in the middle of the Colonial Office list there appears something like a thousand volumes, relating to all the Colonies and to every possible subject, described under the non-descriptive heading of "Colonial Office Transmissions." Apparently they had been transmitted from the Colonial Office at a later date than the rest of the records and had never been properly incorporated with them. As for the War Office records, the only existing lists were in many cases in pencil written in illiterate hands and full of corrections and alterations. The Admiralty MS. lists were not so much of a mystery, but there were classes, and important classes, that were not listed at all.

This state of affairs was due to the fact that the business of the War Office and Admiralty was conducted by small branches, each dealing with one class of business and keeping

its own papers. Lists of the papers in the room were no more necessary than is a list of his own books to the average man. But when the books and papers of a large department and its dependent offices were tumbled into vans and delivered to the Public Record Office without order and without lists, the work that had to be done before they could be consulted was pretty considerable.

In 1893 there was not a typed list or a typewriter in the office. Indeed, I think I am not speaking a word more than the truth in saying that the only way for a stranger to find out anything in the records of either of these departments was to explain what he wanted and trust to the staff to produce it.

For officers of the department there was a back room in which sat an ancient attendant surrounded by MS. War Office lists in all stages of decay and illegibility. Tradition said that he knew his way about among them, but few dared to approach him, and those who did were as a rule only rewarded with a supercilious stare over ancient *pince-nez*, and the answer that the question propounded was a difficult one and required mature consideration. So far as my own experience went, it seldom received it.

Since then all these old lists have been compared with the records, fair copied and either printed or typed, with the result that there are now available for students complete lists of all the Admiralty and War Office records in the office.

Nor was there any general printed guide to the Departmental Records. There was only one means of reference by which students of modern history could hope to find what they wanted, and British and foreign students used it freely and have continued to use it, even since other guides have been published. It is present in the room at this moment. Of course I am referring to our friend Mr. Hubert Hall. I cannot pretend to guess how much historical research would have been nipped in the bud had it not been for his wonderful knowledge of the records, which was always at every student's disposal.

The visitor to the Literary Search Room (the Round Room) returning after an absence of thirty-five years would see two great changes. The first in the room itself and its arrangement, the second in the students working there. The room and its contents are now clean. They used to be wonderfully dirty. The amount of dust in the upper part of the room seems now almost incredible. I remember myself taking four volumes from one of the gallery shelves and duly leaving in their place four stout cardboard tickets. A year or so after, some question having arisen, I was told that the four volumes were missing and that, contrary to all rules, no ticket was on the shelf in their place. Being incredulous, I went to look myself, and for a moment I was convinced, but just as I was turning away some slight unevenness in the dust on the shelf caught my eye and, putting a finger on the spot, I realised that my tickets were still there, but absolutely lost in the dust. The installation of the vacuum cleaner throughout the office has produced its effect on that trouble. The dust was not confined to the search room. Every document asked for had to be cleaned with a duster before it could be used : now that is done beforehand by the vacuum cleaning attachment introduced some years ago when the old vacuum cleaner was superseded by one more up to date.

The shelves under the gallery, which could hardly be seen on dark days, are now well lighted. Except for about half a dozen shelves they used to be full of manuscript calendars and indexes, most of which have since been condemned as obsolete and have been replaced by modern typed lists and printed calendars, together with the publications of numerous record societies. The reign of Mr. Hilary Jenkinson in the Round Room was inaugurated by a general systematic rearrangement of all the works of reference in the room, which are no longer haphazard on the shelves as they used to be, but as far as possible follow the classification of the records to which they refer. Now, a student who knows what class of records he wants to see can

be directed at once to the division containing the relevant lists. Then, he would have to be guided separately to the foolscap printed lists, the octavo printed lists, the folios, and so on separately.

Mention should be made here of that debonair figure familiar to all old readers in the Round Room, the late Mr. J. R. Pratt, the friend of every one who used the room, whose knowledge of the lists and indexes, and of the records generally, raised him far above the level of an ordinary attendant.

The heating of all the search rooms used to be done by open fires, and hot-water pipes under gratings in the floor. There used to be great competition for places near the fires on cold days, and corresponding avoidance when the weather was warmer. The hot-water pipes, being choked with dust, used, during the earlier part of the winter, to send up an indescribable smell of hot dust that to some people made the search rooms almost unendurable. The more noxious qualities of the dust seemed to evaporate away as the winter passed. About the ventilation I will only say that the Office of Works has done its best. One does not need to look back thirty-five years to remember the time when any occasional shower found numerous weak spots in the glass roof, necessitating a general shifting of places and removal of documents to greater safety. After trials extending over many years the Office of Works has at last succeeded in finding a remedy for this defect.

The matter of heating is a real consideration to even the most absent-minded or stoical student. Before the building operations in the 'nineties, there was no general heating of the building whatever. The result was that in really cold weather it was quite impossible to get the search rooms comfortably warm. I have known days when the temperature of the room in which I sat, the ante-room to the old Government search room, now the attendants' distributing room, was 35 degrees when I arrived in the morning. By dint of a roaring fire it was raised to 45 degrees

by the end of the day. Little good work could be done in such circumstances.

One other benefit the Office has conferred lately on its clients: it has provided them with pencil sharpeners. But while it has given with one hand, it has taken away with the other. Students are expected to bring their own pencils.

The Legal search room has quite changed its appearance. The old plan of the room in Rye's *Records and Record Searching* shows the tables arranged lengthwise down the room with the officer's desk and the fee desk side by side half-way down against the windows, an arrangement calculated to give every one except the officer at the desk the minimum of natural light on their work, while giving the officer the maximum of draught on his back. The tables have now been rearranged across the room with the opposite intention. The walls and ceiling still bore the original very elaborate scheme of decoration, but the paint was much obscured by dust and dirt.

The lists and indexes round the room do not show quite so much change as those in the Round Room, but they are now all neatly bound and easy to handle, whereas the old-time searchers found many of them tied together with string or tape or wrapped in brown paper.

The old gallery is gone, which used to run all along the west side of the room and provide thrills for the searchers who felt compelled to watch the acrobatic performances of the attendants, engaged in getting down the heavy indexes kept there for their use.

Two general changes have taken place in my time which have increased enormously the efficiency of the Office from the point of view of the student in the search rooms. In 1893 we had no artificial light in any of the strong rooms. Except on very bright days all documents had to be found by the light of colza oil lanterns. Paraffin was too dangerous. Indeed, there were men still in the Office who remembered the time when there was no artificial light whatever

except in the corridors, so that in the dark winter days there was nothing for the staff to do but sit round the fire and talk, and nothing for the public to do but to go home.

Then the existing system of numerical references had not been thought of. If one wanted War Office pay lists, Grenadier Guards, 1806, one wrote "War Office pay lists, Grenadier Guards, 1806," on a ticket and gave it to an attendant familiar with the arrangement of the War Office records. It was a strange sight to see one of the old attendants climbing a ladder in one of the tall rooms in the basement with a lantern held between his teeth, looking perhaps for a particular parcel of Chancery Proceedings and afterwards getting out the individual case asked for, not by its number in the parcel, but by the title of the suit. The system of numbering classes introduced by Mr. Rodney when he was in charge of the floors and now being extended throughout the Office has, together with the present efficient lighting, gone far to abolish the long waits of which students used to complain in the past, and that without any increase of staff, in spite of the enormous increase in the bulk of records to be dealt with.

The students using the search rooms were, of course, not those who come now, and it seems to me, on looking back, that they were different in kind. My first search-room acquaintance was Mr. R. G. Marsden, who was then just beginning his work on the records of the High Court of Admiralty, after having practised for years as a barrister and having just retired from a legal post in Jamaica. These records were at that time looked upon as departmental rather than legal, and Mr. Marsden used to see them in the Government Search Room. I remember well his whimsical look of disgust on receiving his first file of Admiralty libels, which had been lying undusted on the shelves for years and, being filed through the middle and very much crumpled, looked more like a very dirty old sponge than anything else. There was no proper list of Admiralty Court records, and all

he could do was to ask for file after file and dip into them as into a lucky bag. Now they have been arranged and listed, and I believe they are all pretty clean.

Mr. W. H. Stevenson, who had just published his first volume of the *Calendar of Close Rolls* for the beginning of the reign of Edward II, also worked in the Government Search Room, in order to write his calendar in ink. During the rebuilding we were much pressed for space and could not give him a seat in a private room. Another eminent scholar who had established a sort of prescriptive right to use the Government Search Room was Dr. Rawson Gardiner. I shall never forget the object lesson he provided for the young research student, when he was preparing his answer to Father Gerard's book, *What was the Gunpowder Plot?* and his joy as he gradually worked out his answer *What Gunpowder Plot was.* Other frequenters of the room were various writers of naval and military lives for the *Dictionary of National Biography*, notably J. K. Laughton and H. Manners Chichester. A frequent visitor was Admiral Colomb, and much trouble he used to give us with his questions about difficult points in Naval History. We were not quite so stiffly official there then as they were in the other search rooms, and no objection was made to an old gentleman, one Captain O'Callagan, bringing his, as we thought, literary materials in an old marketing basket with flap covers, until suddenly one day the covers burst open and out jumped a large white rabbit with pink eyes, and hopped off down the corridor at the back of the search rooms, to take refuge under one of the presses there. After that the Captain was not allowed to bring his basket into the Office.

The Canadian Archives staff was already at work under Dr. Douglas Brymner, and there was a corresponding staff working for the New South Wales Government under Mr. James Bonwick. Major Erskine was copying early Cape of Good Hope despatches for the Government of Cape Colony. His mission was at the time less successful than those organised by the other two colonies, but it led to great results.

Some years after his death Dr. McCall Theal, who had meanwhile become archivist at Cape Town, came over and with infinite labour went over the ground again; and the result was printed and forms that series of South African records with which students of colonial history are familiar.

Well-known scholars such as Dr. Felix Salamon, Sir John Fortescue, Professor C. K. Webster, Mr. Headlam Morley, Professor Holland Rose, who did most of their earlier researches in the Government Search Room, had not yet found their way to the Record Office. The first time that I ever saw our president, Professor Tout, was in the Government Search Room, where, by some underhand arrangement with Mr. Hall, he began work on some plea rolls for the book about the judicial scandals of 1289, which was afterwards published in the Camden Series.

In the Literary Search Room the advance-guard of the throngs of young students who now fill the room had hardly begun to arrive. Miss Bateson was there and Miss Leonard, but most of those using the room were elderly gentlemen whose reputations were already made or never would be made. Dr. Stubbs had practically ceased to come to the Office, Sir James Ramsay was hard at work with the help of one or other of his daughters, Professor Maitland was a constant visitor, and one saw fairly often Sir George Prothero, Sir Charles Firth, Bass Mullinger, Charles Gross, Oscar Browning, and specialists like Mr. M. Oppenheim. As far as my recollection goes, the Rev. William Hudson, already a well-known scholar, did not often find his way from Norwich to London, and only became a constant visitor to the Record Office during the last twenty years. There were also a number of people who worked most industriously and who must have acquired enormous quantities of information, which they to a great extent kept to themselves.

There seems to have been a great deal more legal record business in those days, both litigated and non-litigated. We

were always busy with office copies. I remember, myself, making an office copy from Domesday Book to be produced in Court in a case arousing great interest connected with the right of trainers to exercise race-horses on Stockbridge Common. The great Holderness case was just finished. In consequence there was a considerably larger proportion of men working as record agents than is the case nowadays. It was not considered possible in those days for a lady to give evidence in Court in a case involving records. That strange personality General Plantagenet Harrison was already only a legend, but there must have been a dozen men at least who undertook legal record work and were pretty constantly employed at it. Of course they worked mainly in the Legal Search Room.

There have always been a certain number of people interested in the history of their families and their homes. One of the most persevering and scholarly of these was one who was working on the apparently interminable task of collecting references to the name of Fisher in the West of England, and who ultimately produced a compendious work on the subject. There were also in all three search rooms a certain number of elderly gentlemen who seemed to have been driven to the Public Record Office by lack of sleeping accommodation in the reading-room of the British Museum. Whatever their self-imposed business may have been, they used to come day after day and sleep away the office hours. Anyone going into the Government Search Room might see one of them sitting in the far left-hand corner and apparently copying in his sleep, except when the pen became unruly. Three who sat side by side in the Round Room did their work more thoroughly. They used to fold their arms, close their eyes and remain lost in thought for hours together. No students' tickets were required before 1909, anyone could come in who chose. So there was no check on that kind of thing. Besides, we had plenty of room in those days. Instead of the crowds of young students who come to work in the search rooms

now, there were only two or three every year, and they mostly Americans. I remember the first visits of Miss F. G. Davenport, Dr. G. T. Lapsley, and Professor R. B. Merriman, who were by way of being pioneers, and although I do not know exactly when he began work, I remember Mr. G. J. Turner as a constant visitor in the 'nineties, as he has been ever since.

I have mentioned the state of the departmental records with regard to lists and indexes. The case of the ancient records was rather different. In their various repositories they had been in the charge of various professional record keepers for many years. Some of these men had been very industrious and had compiled for their own use calendars and indexes of various sections of the documents under their charge, which they allowed enquirers to see, of course in return for fees. These compilations were handed down, probably sold, by one incumbent to another. Being a source of profit, as they wore out, they were re-copied and added to. The result was that when the public records were assembled in the Chancery Lane office, there came with them an enormous number of lists, calendars and indexes, of all degrees of antiquity, few complete, many overlapping, so that it was often extremely difficult to find the calendar or index that one wanted, even if it existed.

This difficulty was not felt at first. When the contents of an ancient repository were amalgamated with the public records the old keepers also were incorporated in the staff of the Public Record Office, and it was only as they died or retired that the difficulties of the position really could be faced. Many records came quite unlisted, and indeed unarranged, and slip catalogues of these had to be made.

The result was that only the very experienced hand could get on without the constant help of the officer at the desk. A further complication was introduced by the fact that the records on the shelves were not always called by the same name as in the corresponding list. One sometimes

sent out a ticket with a description quite correct according to a current list, only to receive it back after what seemed an infinite wait marked, "Not known by this reference." We juniors sometimes knew that this was by way of being a practical joke on the part of some floor attendant, who knew perfectly well what we really wanted ; but often we had no means of redress except to get the ticket countersigned by Mr. Scargill-Bird, who was known to stand no nonsense.

For the last twenty years and more Mr. Giuseppi has been at work reducing this chaos to order.

The first edition of Mr. Scargill-Bird's *Guide*, published in 1891, made some attempt to indicate the nature of the lists available for each class of records. His second and third editions, each arranged more scientifically than its predecessor, carried the matter still further. But it was left to Mr. Giuseppi to prepare the way for his enlarged and still more scientific guide by collecting together all the lists, indexes and calendars in the Office, investigating their accuracy as he went along, getting the good ones typed and re-making the bad ones, throwing out those that were obsolete and superseded, and compiling a great list of the whole. The result of this work is incorporated in the printed volumes, so that in his *Guide* no class of record is mentioned without a note of every list, index or calendar that the student may find useful in connexion with it.

The whole of the changes which I have indicated have taken place during the period of Sir Henry Maxwell Lyte's Deputy-Keepership. Although he was not personally responsible for every innovation, he brought into the Office a new spirit which long before his retirement had permeated every part of the Office. I should like to read the rather formal appreciation of his services contained in the Deputy-Keeper's report for 1926.

"Sir H. C. Maxwell Lyte was nominated by Lord Esher, Master of the Rolls, to succeed Sir William Hardy as Deputy-

Keeper of the Public Records, and Queen Victoria's approval of that nomination was signified by Warrant dated 28 January, 1886. At the date of his resignation, therefore, on 9 October, 1926, he had served as Deputy-Keeper for rather more than forty years.

"His first work was to put in hand the sortation of the large mass of ancient miscellanea then lying in the Office undescribed and unlisted. He soon found that, as most of the documents were undated, this could not be done properly until a framework of dated documents had been set up into which the undated correspondence and other documents could be made to fit. Accordingly he initiated the publication of a series of calendars of the entries on the rolls of the mediæval Chancery. As it was customary in early times to affix the great seal to and enrol all letters, executive or diplomatic, sent out from the Royal Chancery, he anticipated that these calendars would furnish a means of dating with some accuracy documents from internal evidence whose dates had previously been only roughly guessed from characteristics of handwriting.

"He had the satisfaction of seeing the calendar of Charter Rolls completed, the calendar of Patent Rolls completed to the end of the reign of King Edward VI, the calendar of Close Rolls to the end of the fourteenth century, and the calendar of Fine Rolls, begun comparatively recently, to the end of the reign of King Edward III. His estimate of their value proved to be correct, and during the last few years a great deal of work has been done in this Office in dating and listing ancient documents hitherto only roughly sorted and described.

"The editing of *Feudal Aids*, in six volumes, was begun in 1894, and the last volume was published in 1920. These documents contain the assessments of Aids collected in the late thirteenth and the fourteenth and fifteenth centuries. They were printed mainly as furnishing a guide to the identification of mediæval place-names and have proved invaluable to students of topography.

"In 1890 Sir Henry went to Rome to reorganise the work of the British Agents working on the Vatican Archives, and arranged for the systematic publication of the results of their investigations. The calendars of Petitions to the Pope (1 volume) and Papal Letters (11 volumes) have been issued since. Other mediæval publications planned by him are the calendars of Chancery Inquisitions (14 volumes published), Chancery Warrants (not yet issued), Liberate Rolls (1 volume published), and Documents in France, the Curia Regis Rolls (3 volumes published), and the Catalogue of Ancient Deeds (6 volumes).

"As these calendars progressed their great historical value became more and more apparent, and they were allowed gradually to take the place of the series of Chronicles and Memorials which had hitherto absorbed a large share of the public money spent on historical publications. No volume of the latter series has been issued since 1908.

"During the whole of this time continuous progress was made with the calendars of State Papers and other more modern records, begun by his predecessors.

"It was a reproach to this office at the time that the only lists and indexes of records were in manuscript or printed where they could not easily be found as appendices to Deputy-Keepers' reports, and that many classes of documents were not listed at all and were only accessible to students through the kindness of those officials who happened to be familiar with them.

"This reproach has to a great extent been removed. Since 1892 fifty volumes of Lists and Indexes have been published, and workable typed lists of most of the records in the Office have been placed in the Public Search Rooms for the use of students.

"During the last decade of the nineteenth century the old houses on the Rolls Estate facing Chancery Lane, which had been condemned as unfit for record repositories, were pulled down, together with the Rolls House and the old Judges' Chambers, and the present repository built in their

place in extension of the original repository built between 1851 and 1856. In the course of this work it was found necessary to incorporate the Rolls Chapel in the new block of buildings. Sir Henry secured the preservation of the ancient monuments contained in it, and arranged for the new building to be fitted as a museum where Domesday Book and other documents and objects of interest could be seen by the public. He took an active part in the selection of typical documents for display and himself compiled the catalogue, which is now in its twelfth edition.

"In spite of the greatly increased space available, it became impossible to receive the documents which public departments wished to deposit here after the War, and Sir Henry acted as chairman of a departmental committee appointed by the Master of the Rolls to consider what should be done. It was decided that as a temporary measure a building outside London should be acquired and used as a record repository until plans for further extension on the Rolls Estate could be carried out. Accordingly, Cambridge Gaol, then standing empty, was borrowed from the Prison Commissioners and has become the home of a great quantity of records, some sent there directly by different departments, some sent from this Office to make room for others which could not conveniently be moved out of London.

"In 1902 the Land Revenue Records, formerly kept at Westminster, were removed to the Public Record Office; the office of Keeper of the Land Revenue Records and Enrolments was abolished as a separate office, and the Deputy-Keeper of the Public Records was appointed by the Lords Commissioners of His Majesty's Treasury to perform the statutory duties of Keeper.

"During the first twenty-five years of his tenure of office Sir Henry was wholly occupied with supervising the work of various kinds which he had initiated and attending to the business of the Office. The proofs of every volume published during this time he read with sufficient care to assure

himself that the work was being done according to his plans and in a scholarly manner. As soon as his time became less fully occupied he began work with several assistants on a new edition of the fourteenth-century compilation known as the *Testa de Nevill*. This was published in two volumes (Volume I in 1920, Volume II in 1923) with the title of *The Book of Fees*. It is not possible in a report such as this to estimate the difficulties overcome in this piece of work, which has transformed what was formerly a mass of apparently unrelated entries into an intelligible book. As soon as the second volume of *The Book of Fees* was published Sir Henry Maxwell Lyte began to collect and set in order materials for the history of the use of the Great Seal. The resulting volume was issued as an official publication a few days after his retirement."

Having finished boasting of what the Public Record Office has done to help the student, I should like to say a few words of gratitude for what the student has done for the Public Record Office.

I have mentioned that strange man General Plantagenet Harrison, described by himself as "George Henry de Strabolgie Neville Plantagenet-Harrison, born 14th July, 1817. By the providence of Almighty God, in right of blood, Prince of Plantagenet-Skioldungr (which means legitimate prince of the legitimate blood royal of England and Scandinavia); Duke of Lancaster, Normandy, Aquitaine and Scandinavia; Count of Anjou, Maine, Guienne, Poictou, etc.; Earl of Lancaster, Chester, Richmond and Kent, etc.; Baron Plantagenet, Neville and Percy, etc.; Hereditary Knight of the Orders of St. George and of the Garter. General of Brigade in the armies of Mexico in the war of Yucatan, 1843; Brigadier-General in the army of Peru, 1844; Brigadier-General in Monte Video, 1845; and same year Marshal-General of the army of 'God and Liberty' of Corrientes in the Argentine Republic; General of Cavalry in the Danish army during the Schleswig-Holstein war, 1848;

and afterwards, same year, appointed Lieutenant-General of the German Confederation by His Imperial Highness the Archduke John of Austria, at that time President and Vicar-General thereof. Was appointed a Marshal in the Turkish Army by the Sultan Abdul Medjid Khan in 1853 ; but was not permitted by the British Government to serve either in the Turkish or any other army. Petitioned Parliament for summons to Parliament by his title of Duke of Lancaster in 1858, as heir of the whole blood of King Henry VI. Has compiled the first six volumes folio of the ' History of the County of York ' entirely from the Public Records hitherto unknown, and is the translator of Domesday Book, etc. Has travelled through nearly all the countries in Europe, Asia, Africa, and America—North, South, East, West, and Central."[1]

In his old age he dignified the Record Office by working there as a record agent, and on his death left a vast collection of notes and memoranda gathered mainly from the plea rolls. These were acquired from his executors and, having been indexed, proved a regular gold mine for the topographer and genealogist. I have generally found them reliable, although Mr. Walter Rye used to be very sceptical about them. I remember his telling me once that Plantagenet Harrison offered him a large number of references to the Rye family in Derbyshire for £20 : to which he replied with a solid offer of £1 for each reference that he could verify, but the offer was not accepted.

One of my oldest official friends was the late Major Poynton, who devoted, I suppose, the last ten years at least of his life to the laborious task of dating and arranging the fragments of early plea rolls, a piece of work that must be of lasting benefit to any worker in that field. His example has been followed by Mr. William Hudson, who has done for us a great deal of work on the Catalogue of Ancient Deeds. Only the other day Miss Fairbrother gave us a number of

[1] See the inscription under his portrait in the *History of Gilling West*, the only volume of his History of Yorkshire that was published.

most useful indexes to the records of the Admiralty and the War Office, which she had compiled during her thirty years' work in the search rooms. And others have helped to a greater or less degree in more ways than I have time to mention. But in addition to such direct help we have profited enormously from much of the work published by students working at the Public Records. The bibliographies prepared under the auspices of the Carnegie Institution have made an incalculable difference to the amount of advice and direction required by students from the officers in charge of the search rooms. The volumes of the Victoria County Histories have made the work of identifying places in counties already dealt with quite a different affair from what it was even ten years ago.

The documents and series of documents printed by the various county record societies are an enormous help to the work of the department. I remember, in the early days of the William Salt Society, meeting Colonel Wedgwood in the library and being asked by him how I identified correctly Staffordshire places without any Staffordshire books of reference. I replied, to his great amusement, in just two words, "Intelligent guess-work." It is different now, and the difference is reflected in the indexes to our calendars.

In the same way the work of the Lincolnshire Record Society, especially that of Canon Foster, has made the identification of places in that county often quite possible. The wonderful history of Northumberland, still in progress, has made the topography of parts of the county quite simple. The same thing, that is to say the comparative certainty of being able to identify obscure places correctly, is true of many other counties, and is due to a great extent to the work of county antiquaries, of the Place Name Society and its individualistic predecessors.

Among works of a more general character I must mention the Oxford Studies inaugurated by Sir Paul Vinogradoff, which many of us have found very helpful, and above all the volumes of our President now in course of publication,

which are likely to prove (in addition to their direct historical value) a mine of information—a regular guide book—to students of mediæval records.

I thank you for listening so patiently to what may have seemed rather shallow, trivial, and commonplace. If you have found it so you will of your charity please to remember that I am only a Civil Servant who has never posed as an historian.

ANGLO-RUSSIAN RELATIONS DURING THE FIRST ENGLISH REVOLUTION

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Read 18 *April*, 1928

At a time when Anglo-Russian relations show a great difficulty in being re-established after the Russian revolution of 1917, it may be of special interest to look back to a very far past in English history, when England, after having fought for freedom under the leadership of Parliament against the Stuart despotism, had created by a bloody act a republic, which was taken by Protector Cromwell into his strong hands and existed for years, until death removed his grip. Then another Charles Stuart was restored to the throne which his father had left for the scaffold.

In all three periods: (1) the Civil War, (2) the Protectorate, and (3) the Restoration, the Russian Government was called upon to choose its attitude towards events in England. Relations between both countries had existed already for more than a century; English merchants had received important privileges and made good profits in Moscovy.[1] English Kings had systematically corresponded with Russian czars,[2] and sent to them as well as received

[1] See Inna Lubimenko, *Les marchands anglais en Russie au XVI^e siècle*, "Rev. Hist.," 1912, t. CIX, and *Les marchands anglais en Russie au XVII siècle*, *Ib.*, t. CXLI. Also Gerson, *The Organization and Early History of the Muscovy Company*, in *Studies in the History of Engl. Commerce in the Tudor Period*, University of Pennsylvania, 1912; and Page, William, *The Russia Company from* 1553 to 1660. London, 1913. See also the paper on the "Muscovy Company" of Miss Mildred Wretts-Smith in "Roy. Hist. Soc. Trans.," Ser. 4, Vol. III, 1920.

[2] Inna Lubimenko, *The Correspondence of Q. Elizabeth with the Russian Czars*, "Americ. Hist. Rev.," 1914, April. Also *Trois lettres inédites d'Elisabeth d'Angleterre à la cour de Russie*, "Mélanges Bémont," Paris, 1913;

from them embassies.[1] Finally, a few years before the death of King James I, an Anglo-Russian alliance had very nearly been concluded.[2]

After the death of Czar Mikhail, in 1645, it had been quite a natural act for the Russian Court to send a messenger, Gerasime Dokhtourov, to announce in England the accession of the new Czar Alexis. Dokhtourov was in London on 27 November of that year, and we find in the archives of Moscow a most interesting description of his reception in England, probably written under his immediate direction, if not by himself.[3] The Russian messenger was met by the merchants of the Muscovy Company at Gravesend, and escorted by them along the Thames on an English boat, decorated with red cloth. He profited by the journey to receive discreet information about the civil war and the absence of Charles from London. When he tried to learn the reasons of the conflict between the King and Parliament, he was told that the King had shown himself in sympathy with the Catholic religion and desirous of governing by his own will (as was the use in other countries), ignoring the fact that the English were a free people and the Parliament their real master.

These explanations could certainly arouse neither sym-

and *A Suggestion for the Publication of the Correspondence of Q. Elizabeth with the Russian Czars*, " R. Hist. Soc. Trans.," Ser. 3, Vol. IX, 1916. For the seventeenth century see Inna Lubimenko, *Letters illustrating the Relations of England and Russia in the Seventeenth Century*, " Engl. Hist. Rev.," Vol. XXXII, N 129, Jan., 1917; and *The Correspondence of the first Stuarts with the first Romanovs*, " Roy. Hist. Soc. Trans.," Ser. 4, Vol. I, 1918.

[1] Inna Lubimenko, *Les relations diplomatiques de l'Angleterre avec la Russie au XVI^e siècle*, " Rev. Hist.," t. CXXI, 1916, and *Les relations dipl. de l'Angl. avec la Russie au XVII^e siècle*, *Ib.*, t. CLIII, 1926, pp. 1–39.

[2] Inna Lubimenko, *Les projets d'alliance anglo-russe au XVI^e et au XVII^e siècles*, " Rev. d'hist. diplom.," an. 38, N 1, 1924.

[3] The documents concerning the relations of Moscovy with England had been kept before the Russian revolution in the archives of the *Board of Foreign Affaires* in Moscow. Now all these papers have been transferred, in complete order, to the *Historical Archives* of Moscow, where the author has already had an opportunity of consulting them. The description of the visit of Dokhtourov to England will be found in the *English Files* (*Angliyskija Dela*), 1645, 9 August, N 2,

pathy nor understanding in a subject of the Czar ; in these liberty-seekers he could only find potential rebels, and his first desire was to leave them as soon as possible ; so he asked that he might be admitted immediately to an audience by King Charles or permitted to return to Russia.

But such was not the intention either of the Parliament or of the English merchants. They tried to explain to the Moscovite that as all English merchants trading with Russia were on the side and under the power of Parliament, Anglo-Russian relations had to be continued with the new power. At Gravesend the messenger had been saluted by shots from 16 guns and met also by deputies of the new Government, to whom he reiterated his request for an audience. If Parliament insisted on receiving him, he would repeat in that assembly the same petition. He was assured that the King, being in constant correspondence with Parliament, would probably soon return to his capital, where the messenger would be allowed to see him.

Dokhtourov consented to go to London and stayed there awaiting events, which soon turned against the King, of whose capture he was duly informed on the 8th of May, 1646. His repeated demand to see Charles was again refused, and, under the influence of the merchants of the Muscovy Company, the Parliament insisted on receiving the Russian envoy on its own account. Dokhtourov, however, obstinately persisted in his refusal to appear in that assembly, repeating that his Master had sent him to the English King alone, and he refused also an invitation to a dinner to which the merchants intended to invite him, and only consented to receive them for dinner in his own lodgings. On this occasion Lord Strafford and one of the members of Parliament, Flemming, tried to shake his opposition, assuring him that the Parliament was ready to send to the Czar as many thousands of soldiers as His Majesty would need. The situation was difficult, as in that period etiquette was most strict for a Russian diplomat, and personal initiative closely proscribed. But the case was exceptional, and something

had to be done. We cannot tell if the promise of soldiers produced the desired effect, or if, impatient to return, Dokhtourov was induced to make a concession ; in any case, he appeared on the 13th of June in both chambers. Curious details of his reception can be learned from the Russian relation of the embassy, though it must be considered that such documents show a natural tendency to exaggerate honours received by the representative of the Russian Government. In this case, however, it seems probable that everything had been done to impress the ambassador favourably.

The relation states that at his appearance all the Lords took their hats off. At his approach the Speaker, Lord Manchester, stood up, and his example was followed by all the other Lords. Dokhtourov repeated to them his complaint about not having been allowed either to see the King or to return, and Lord Manchester assured him that the reasons for this procedure were fully explained in the letter to the Czar, which would be handed to him. Then he was invited to be seated in a beautiful arm-chair, covered with satin and embroidered with gold and pearls. The Moscovite seems to have profited by his position to examine the furniture. He gives details of golden carpets hanging on the walls and coloured carpets covering the floor. After having presented to him the letter of the Parliament to the Czar,[1] the Speaker asked, as a favour, that he would pass into the other Chamber, in order that all deputies of the nation might be able to have their share in the reception of the Russian Ambassador. Here he saw the mace of office, looking like a golden lantern ; and it was carried before him when he presented himself to the 420 members, who stood up at his appearance. He repeated to them the same speech.

The letter of the Parliament to the Czar was dated the 10th of March and was signed by the Speakers of both chambers—Lord Manchester and William Lenthall. It gave

[1] *Cal. State Pap. Dom.*, 1653–4, p. 340, an. 1653.

the same explanations which had been offered without great success to Dokhtourov, and repeated that all English merchants took the side of Parliament against King Charles. This assertion was soon to prove very dangerous to the interests of the English merchants in Moscow.

On the 23rd of June Dokhtourov was at last able to leave England where the Muscovy Company had disbursed £1,500 for his living and reception. On the 2nd of July he was back in Russia.

Though Parliament had expressed its desire to be with the Czar "in a constant correspondence of league and amity" and had asked for the continuation of the privileges of the Muscovy Company, there was little chance of relations being continued as before. On receipt of the first news of the Civil War, Czar Alexis had already answered by interrupting his preparations for a "great embassy to England." [1] The return of Dokhtourov with the Parliament's letter was soon followed by the imposition of new customs on English merchants. If they had profited in Moscovy by a free trade, they were now constrained to pay customs as heavy as other foreigners, and even more than the Dutch. A petition of Russian merchants in different towns had complained of small profits and the competition of foreigners,[2] and had certainly influenced the new policy of the Government towards the English merchants, for under the first Romanovs the influence of the middle classes on the Government had become manifest.

An English document [3] describes the situation as follows: "The trade has been unquestioned one hundred years, in spite of revolutions of Emperors, till in 1646 Alexis Michaelowich took away our privileges, imposed large customs on us, and seized goods of grate value by fraud." The Company

[1] *English Files*, 1645, December, "The expedition (interrupted by the disorders in England) of Russian ambassadours to England (whose names have not been decided). . . ."

[2] *Collection of the Archeographical Mission* (in Russian), Vol. III, N 13.

[3] *Cal. State Pap. Dom.*, t. 1653–4, p. 340, an. 1653. See also a complaint of the English agent, Spencer Bretton, *English Files*, 1676, N 2.

sent out more goods than usual, but the Czar, the English asserted, "charged them double the customs of other nations," so that they had to forbear trading, with a loss of £50,000.

The fact that a petition of the Moscovite merchants had preceded the steps taken against the English trade shows clearly that those steps cannot be considered merely as a punishment of the English merchants for their revolutionary sentiments, but were the natural consequence of changes since the sixteenth century in the economic conditions of both countries.

The affairs of the Company in Russia were rapidly deteriorating; attempts to reorganize the trade as a regulated company had proved unsuccessful.[1] The variety and quantity of merchandise brought over from England became less considerable with every year, and the Dutch competition more and more dangerous.[2]

The first Romanovs, who had ascended the throne after a period of great troubles, experienced a want of ready money, and regarded customs paid by foreigners as a very important source for replenishing their treasury. This prompted the Czars to protect the trade of those who paid customs, like the Dutch, and to consider the English privileges as extremely disadvantageous to the Russian State. The first news of the English revolution in 1642 had given a convenient pretext to begin the attack, which was continued during the next years.

The political sympathies of the Czar could only strengthen his action in this direction, especially as the Stuarts made desperate efforts to continue their relations with the Russian Court. A year after the journey of Dokhtourov to England, Charles succeeded in sending over to Moscow an English messenger, Luke Nightingale.[3] In a letter, presented by

[1] Inna Lubimenko, *Les marchands anglais en Russie au XVII^e siècle*, "Rev. Hist.," t. CXLI, an. 1922.

[2] Id., *The Struggle of the Dutch with the English for the Russian Market in the Seventeenth Century*, "Roy. Hist. Soc. Trans.," Ser. 4, Vol. VII.

[3] We do not find his name in *Dict. of Nat. Biog.*

him to the Czar in May, 1647,[1] the King expressed his pleasure at learning that his enemies, the English merchants, had been forced to pay custom in Russia. Luke Nightingale had a commission to provide and buy in Russia 300,000 "chetverts" (quarters) of wheat and rye, paying for them the usual accustomed prices, not in ready money, but in cloth.[2] The King explained that "by reason of the late commotions in Our Kingdome of Ireland and the yet unsetled and discomposed condition of that countrey, the natives, our good subjects, have bene so interrupted in their tillage and husbandry, as Wee have cause to feare a want and scarcitie of corne, if from forraigne parts that want be not supplied." As in the ample territories and dominions of the Czar the plenty of all kind of corn exceeded expectation, he could well afford to allow large quantities to be exported to other parts, without prejudice to his country.

The commerce in corn was a monopoly of the Czar; but he showed no hurry to satisfy the desires of the English King. After long discussions in Moscow, only a tenth of the quantity demanded was allowed to be bought, the limitation being explained by necessities of the war with the Crimean Tartars, in which Alexis desired the assistance of other Christian monarchs, complaining that English merchants had refused the payment of customs, levied to finance this enterprise and had even incited other strangers to the same disobedience.[3] Another letter of Charles, written four months later and brought over by Thomas Bond, shows a very different mood. Supposing that the troubles in England were abating, he promises to send an embassy and expresses his astonishment and grief to hear

[1] *English Charters*, N 79, written 7 December, 1646, from York.

[2] "And because Our saide servant finding by reason of his former travells and employments in those parts, that the cloth of this Kingdome is a vendible and acceptable commoditie with the natives of yours, Wee are content upon agreement and contract with your merchants that hee deliver unto them in payment for the said corne such a valuable quantitie of English cloth, as upon view of the severall patterns by him to be made good, they shall thinke fit to accept of."

[3] The summary of this letter is to be found in *English Charters*, N 81.

that the English merchants were molested in Russia by customs "in such a violent manner as stands not with the honour of so great and generous a Prince."[1]

The contradiction between the two letters is manifest. It can be only explained by supposing that Charles, while he was quite ready to applaud the exclusion of his enemies from the Russian privilege, was anxious to secure its enjoyment to those of his subjects who were on his side. It seems that Nightingale had distributed in Moscow certificates of loyalty to those of the English merchants there who subordinated their political sympathies to their economic interests.

But the Czar showed no intention of favouring any English merchants at all, and the double customs for which strangers were assessed in view of his military expenses, had to be paid by all. The demands of the English continued. In 1648 their merchants were petitioning that they and their agents should be permitted to pass to Arkhangel and from there oversea; that a monopoly for burning ashes should be given to them for ten years, and that Russian merchants should pay their debts. To this was added the demand for not paying customs, but of course in vain.[2]

The direct relations between Russia and the English King were also continued. In January, 1648, some English officers, and among them a certain Gregory Cromwell, arrived with recommendations from Charles to Moscow.[3] At that time Luke Nightingale was again sent to the Czar with a letter asking permission to buy 300,000 quarters of grain in exchange for cloth, stuffs, tin, pewter, etc.[4] Another letter, dated 16 December, 1648, was sent by Prince Charles

[1] *English Charters*, N 80. This document has been unhappily damaged in Russia, the upper part of its ornaments having been cut off, but from the part that remains we have every reason to suppose that it was one of the beautiful specimens of the Stuarts' letters to Russia.

[2] *English Files* at Moscow, 1648, N 1, January–October.

[3] *Ib.*, 1648, N 2, 31 January–July. I have not been able to identify him, as he is not mentioned in the *Dict. of Nat. Biog.*

[4] *English Charters*, N 81. Written 1 June in the Isle of Wight. For the second arrival of Nightingale, see *English Files*, 1648, N 4, 6 July–March.

from his Court at The Hague. It expressed his joy to receive " the newes of Your Majestie's happy accesse to those great Dominions, which God hath blessed You withall," and conveyed " Our best wishes for Your Majestie's long continuance in peace and prosperity," requesting permission for the bearer, " Henry Crow, esquire, to buy ten ships laden with corne of all sorts," as rye, wheat, buckwheat, barley, peas, oats, etc., paying for the same the usual prices of the country [1] in order to be transported to Ireland. The letter ended with the following promises : " Which favour will be so great an obligation to Us, that we shall be ever ready to obtaine from the King, Our Royall father, whatsoever Your Royall Majesty, or Your subjects may have occasion to desire at His Majestie's hand." This promise must be remembered, as, after the Restoration, the Czar made an unsuccessful attempt to seek for its realisation.

The existence of two English political parties and their rivalry was felt in Moscow and discredited there the English nation as a whole. On the arrival of Nightingale, English merchants assured the Czar that, having no official mandate, he was not a proper ambassador and must be considered an impostor. Nightingale answered this affront by informing the Russian Court of all abuses and irregularities, used by the English merchants in their trade, and even insinuated that they had the intention to devastate and plunder the port of Arkhangel, as a revenge on the Russians. The truth of this last assertion seems doubtful, and yet we learn that a certain John Langley petitioned to " have leave at the cost and charge of himselfe and such as shall joyn with him " to proceed, either by sea or by land, against the Czar and his subjects.[2] But the English merchants did not at that time regard their diminished privileges as definitely lost ; we know that other nations, especially the Swedes, who were jealous of the trade with Arkhangel, had made an attempt to persuade the English Company to ruin this port

[1] *English Charters*, N 82.
[2] *State Papers, Russia III*, 15 March 1651/2.

by transporting their trade to Sweden,[1] but this counsel seems to have had no success.

The news of Charles I's execution undoubtedly produced a great effect in Russia. The Czar, moved by horror and indignation, issued, on 1 June, 1649, a proclamation, banishing English merchants from the interior of Russia, leaving only the port of Arkhangel for their trade. The official version was, that the English were banished "because all their nation had committed a great crime, having put to death their King Charles."[2] One of his boïars, Nastchokine, expressed on this occasion his astonishment that France and Denmark could show sympathies to republicans such as the Dutch, and advised European monarchs to destroy all republics as the mothers of errors.[3]

It is interesting to note that in the same year a new petition had been addressed to the Czar from all classes of Moscovites interested in the national trade. One hundred and sixty-four deputies of Russian towns had signed this document,[4] asking that foreigners should not be allowed to trade in the country, complaining that their competition had brought the native merchants to hunger and misery, and enumerating in detail all the abuses of the English Company, beginning with sending out sixty or seventy merchants to Russia, though the privilege was obtained only for twenty-three. The Russians declared themselves ready to pay all their debts to the English, and to buy all their houses, if they should be sent out of Moscovy.

The final catastrophe of Charles's reign had happened just in time to give the Czar an excellent pretext for tolerat-

[1] *Pamiatniki severo-zapadnye* (*Documents of the North-West*), I, 9, and *Sobranie gosoudartsvennikh gramot i dogovorov* (*Collection of State Charters and Treaties*), III, N 138. See also Soloviev, Vol. X, p. 1520, and *Kilburger*, ed. Kourts, Kiev, 1915, p. 152.

[2] Alexis wrote in 1649, "As you have dared to behead treacherously your King, an action so vile that it would be impossible to find a viler one in all the world, I do not desire to have any more relations with you."

[3] Kapoustine, *Diplomatitcheskija snoshenija Rossii* (*Diplomatical Relations of Russia*), pp. 42–3.

[4] *Collection of Khilkov*, N 82.

ing this attack on the English. Economic reasons were, as we have seen, at least as important as political ones. But the Company did not realise for a long time that its exceptional position in Russia had come to a definite end, and during the next fifty years every letter and every messenger from England to Moscow insisted without success on the restoration of the old privileges.

Though Alexis had shown his sympathy with the house of Stuart, he does not seem to have been very eager to enter into diplomatic relations with the Royalists after the death of Charles I. No letter of the Czar to the English King *de jure* can be found for that period, either in England or in Russia.

The new Government in England, however, instigated by the Muscovy Company, soon realised the importance of re-establishing relations with Russia. A letter was issued by Parliament and delivered to the merchants, and a delegate was chosen in order to protect their interests in Russia.[1] Later on (in 1652), the subject was again considered.[2] The merchants were asked "to bring into the Committy for Foreign Affairs the capitulations made between the State and the Emperor of Russia and reduce to writing the advantages and commodities that accrue to this State by the trade thither, and wherein the priviledges heretofore granted have been violated and what remedies the Company think fit to be applied."[3] At the end of

[1] *Cal. State Pap.*, Vol. XVI, 1649–50, an. 1649, p. 451, 2 Dec., Council of State, Day's Proceedings, § 5, "A letter to be prepared to the Emperor of Russia, concerning refusing English merchants to trade in Russia as formerly; the merchants to give in the matter of it." 1650, Jan. 4, "The draft of the letter to the Emperor of Russia to be reported to the House of Sir Jos. Harrington." 1650, 21 Jan., "To write the Revenue Committee to furnish the merchants trading to Russia with money necessary for sending the letter from the Parliament of England to the Emperor." Feb. 20, "To send to the Governor of the Russia Company for an account of what they did with the letter from Parliament to the Emperor of Russia." See also Alexandrenko, *op cit.*, p. 278. The person to be sent was Colonel W. Hawley.

[2] *Cal. State Papers Dom.*, Vol. 1652, 28 May, p. 266.

[3] *Ib.*, t. 1651–2, p. 266.

June, nothing having been done, the Governor asked the committee to review and correct a letter to be sent to the Emperor.[1]

But the situation at home was so difficult that all secondary questions had to be put aside for a time. Only after the consolidation of the Protectorate could the question of the relations between the two countries be taken up again.

In Russia during these years the proclamation of the Czar had been put into effect and commissaries had been sent to the principal Russian towns where the English traded, including Vologda, Yaroslavl, Arkhangel, Kholmogory, and others, to consider mutual debts and to sell English houses.[2] The Swedes tried to profit by the situation, proposing to the English to leave Arkhangel for Reval, whence they would be able to trade with Russia under cover of the privileges accorded to Sweden by the treaty of Tiavzine.[3] But the offer was of no advantage to the Muscovy Company, as the Baltic trade was a monopoly of the Eastland Company. The hope of re-establishing the trade by the White Sea was not wholly lost, and, in fact, if the Company did not recover its privilege, it still traded by the White Sea to Arkhangel, and even sometimes into the interior.

If the revolutionary Government had to abandon for a time projects of commercial relations with Russia, Prince Charles, eager to profit by the sympathies of Alexis with his father, sent as early as 1650 an envoy to Russia. Lord Baron John of Culpepper had received the mission to announce officially the execution of King Charles and to ask on behalf of his son for a loan of 100,000 roubles,[4] which would help him to punish the murderers of his father.

[1] *Cal. State Papers Dom.*, t. 1652, 24 June, p. 301.

[2] *English Files*, 1650, N 4, August, 1653.

[3] See a curious letter of the Swedish ambassador Rhodes; his *Report*, N 2, pp. 15 and 95, and *Papers of Arseniev* (Russian), II.

[4] The letter of the Prince to the Czar was written from Saint-Germain, the 16 September, 1649, *English Charters*, N 83. The decoration of this document denotes a very different style from those that were written in England. Unhappily the best part of it has been cut off in Russia. Kulpepper is not mentioned in *Dict. of Nat. Biog.*

The conduct of this agent in Moscow was as humble as the situation of his master was at that time difficult.[1] He excused himself for not having brought the usual presents to the Russian Court. When the Czar, always short of ready money, proposed to give only 20,000 roubles for corn and furs, he readily consented, asking anxiously that at least half of the sum might be given in corn, as sables could not be easily realised ; but he had to accept three-quarters of the sum in furs.[2] The loan was accompanied by a letter of the Czar, who had expressed on several occasions his sympathy for the "glorious martyr." To the demand of the Prince for the re-establishment of the English privileges, he answered, that murderers who had bathed their hands in the blood of their King would never be accepted again to live in his country.

This financial help, though very modest, was received with thankful appreciation by the English Royalists. After the Restoration Lord Carlisle, the English Ambassador to Russia, spoke of it in most grateful terms. At the time, when the friends of the Prince had abandoned him and earth and heaven seemed to be preparing his destruction, the Russian Czar had shown himself ready to help, desisting from all relations with the Protector.[3]

But Carlisle must not be wholly believed in that matter. We have seen that the merchants, insisting in their communications with the Commonwealth Government on the re-establishment of relations with Russia, had even declared themselves ready to pay the expenses of an embassy,[4] as

[1] *English Files*, 1650, 20 March–28 June, N 2. All the letters and the receipt of the ambassador are to be found *Ib.*, 1650, N 3, May–June.

[2] It seems that the Czar was not so very rich in corn at that time, as in March of the same year he had allowed the Danes to buy only 10,000 quarters, complaining of scarcity and numerous demands from all countries ; Tcherbatchev, *Acts*, N 148. It is also possible that he was awaiting higher prices.

[3] *Texts for Students*, N 17. A. Weiner, *Select passages, illustrating commercial and diplomatic relations between England and Russia*, N VII, pp. 24–7. The choice of this document is not very happy, since it certainly shows, as we shall see later, the Anglo-Russian relations in a false light.

[4] *Cal. State Papers Dom.*, Vol. 1654, pp. 202–3, 8 June.

they had done so many times before. This was sent in 1654; the ambassador of the Protector, William Pridaux,[1] arrived at Arkhangel on the 21st August of that year, accompanied by four other members of the embassy and two servants.[2]

At Vologda he was stopped under pretext of plague in England, and only reached Moscow on the 5th of February, 1655; he was received by the Czar in his palace on the 12th, only a week after his arrival in the city.

The English Government had found it necessary and possible to give explanations of the new political situation in England. Its aim was to obtain the restitution of the ancient privileges or at least payment of the Russian debts. The reception of the Embassy was not very cordial. The English complained that the ambassador was not well treated and was not allowed to return by land.[3] The Czar did not rise when the ambassador pronounced the Protector's name as had always been done at the mention of the names of Kings. So the ambassador was careful to insist in his speech on the fact that England had lost nothing of her greatness and power under the Protectorate.

The attitude of the Czar is not very surprising; it was only natural for him to make a difference in the reception of ambassadors of Kings and revolutionary Governments. We may even think that the mere fact of the reception of Cromwell's ambassador must be considered as demonstrating the importance of the victory of the English revolution on the mind of the Russian monarch. Five years had proved sufficient to persuade the Moscovite that even a bloody revolution was not necessarily mere brigandage and murder; but that it could create a new order of things, which had to be considered, a new Government, which had to be recognised as the momentary representative, though less brilliant than a King, of the English nation. So its deputy was to be

[1] His name is spelled in that manner in the documents; in *Dict. of Nat. Biog.* we find only the spelling "Prideaux," but no William.

[2] *English Files*, 1654, N 2, September–July, 1655.

[3] *Cal. State Pap. Dom.*, t. 1655, p. 316.

received,[1] though with some reluctance and lack of consideration. Not only was the Protector's letter accepted by the Czar, but an answer to it was even written and delivered to the ambassador,[2] though Alexis had shown himself until now very backward in writing letters to England. It is true that no material results were obtained, that no concessions were made in the vital question of the privilege ; still, the fact of the re-establishment of relations was something like a recognition *de facto* of the new Government, and that is why its importance cannot be denied.

So Anglo-Russian relations were carried on along two lines : If Cromwell was accepted as a power, sympathy and hope went towards the young Stuart. And if Alexis expressed his pleasure at the re-establishment of " love and relations " with Cromwell, he continued to accept the overtures of Prince Charles and to answer them, while his negotiations with Cromwell soon came to a standstill.

After the peace of Paris (1657) the Protector had sent Richard Bradshaw to Russia with a letter.[3] He was to propose himself as a mediator for the conclusion of a peace between Russia and Sweden. But though, in 1615, the mediation of Merrick had been eagerly accepted by a Government, ruling over a country devastated by war and revolution, in 1657 the situation was quite different. Half a century had proved to be a sufficient time to re-establish order in Russia and to create international relations, which had shown themselves to be effective : Denmark had already offered help in the controversy with Sweden,[4] and the Emperor himself was quite ready to play the part of a mediator in the relations with Poland.[5]

The recent Russian successes in Poland had produced a

[1] Two receptions of Prideaux by the Czar took place on February 29 and March 11.

[2] A copy of it is to be found in *Engl. Files*, 1654, N 2, dated 7 March.

[3] Dated 10 April, 1657. See the letter of Bradshaw in *Engl. Charters*, N 88, 19 September, 1657 ; also *Engl. Files*, 1657, N 2, 30 May–27 November.

[4] Tcherbatchev, *Acts* (Russian), N 158, an. 1658.

[5] Soloviev, *Russian History*, t. X.

serious impression in England. "If the Czar will take Riga," we read in an English document of the time, "his friendship will become of great value."[1] Bradshaw was detained in that town and, under the pretext of plague in England, was not allowed to pass on to Russia. So he sent from there a letter to Moscow, admonishing the Czar to conclude peace with Sweden,[2] but it produced no effect. The new demand to re-establish the privileges of the English had the usual negative result. The revolutionary associations of the name Bradshaw, we are told, "if knowne in Russia, could sufficiently explain the unsuccesses of his deputation."[3]

This mission was not followed by any other negotiations between Alexis and Cromwell, as far as we can judge from the documents of his epoch.[4]

English politics of that time were attentively followed in Russia. We find, for example, in the Moscow archives a copy of the treaty of Paris, concluded by the Protector with France.[5]

Though it seems very improbable that the reception of the Protector's ambassador by the Czar could have remained unknown to the Stuart party, young Charles preferred

[1] *Cal. State Pap. Dom.*, Vol. 1656–7, p. 345, 18/28 April, 1657.

[2] *English Files*, 1658, 18, 30 March. He had proposed to assemble a congress in Kurland, where he would be ready to help in the conclusion of peace.

[3] Richard Bradshaw, diplomatist and merchant of Chester, was probably the nephew of John Bradshaw, President of the Commission which had judged the King, and had been censured by crowds of pamphleteers for his overbearing and brutal behaviour towards the King at his trial. Richard had served during the Civil War as Quartermaster-General of the Horse on the side of Parliament, under the command of Sir William Brereton. He had been appointed Resident at Hamburg in 1650; sent to Denmark in 1652. His unsuccessful deputation to Russia was in 1657.

[4] The letter of credence of Bradshaw is to be found in *Engl. Chart.*, under N 87. It is the only original document, addressed by Cromwell to the Czar, which is to be found in Moscow. On the appointment of Bradshaw, see also *Cal. St. Pap. Dom.*, v. 1656–7, pp. 300, 304, 310. Bradshaw had received at Hamburg £1,000 for his journey and £200 for his quarter's allowance. *Cal. State Pap. Dom.*, v. 1656–7, pp. 301 and 594.

[5] *Engl. Files*, 18, 1657, N 1, 10 May. A Russian ambassador had been sent to France in 1654 and had been presented to Louis XIV and his mother.

probably to ignore it ; at least he continued his relations with the Russian Court, and in his letters, written from Cologne to Alexis the 20 and 30 July, 1655, we find no mention of this disagreeable fact.

After the Restoration, correspondence and relations were resumed between both Courts, and Charles informed Alexis of his accession in very cordial terms.

The Czar, who had already been informed of the Restoration by his agent, John Hebdon the elder,[1] addressed to Charles II a demand, brought by John Hebdon the younger, who served at that time, as well as his father, as diplomatic agent for the Anglo-Russian relations. Alexis asked to be allowed to enlist in England 3,000 soldiers, horse and foot, for his service, and received permission to that effect.

The Czar returned his thanks for these expressions of friendship by a letter of 28 July, 1661.[2] In 1662 a great embassy was sent from Russia to England [3] and the Russian loan was repaid by Charles to these Russian ambassadors.[4] But when the Czar asked in his turn for a loan, Charles II refused. A year later the English embassy of Carlisle set out for Moscow.[5]

I will not give here more information for the Anglo-Russian relations of the following years (i.e., to 1689), as they have been already treated by me in another paper.[6]

[1] For John Hebdon and his rôle, see the Russian book of Gourland, *John Hebdon Commissarius and Resident*, Yaroslavl, 1903.

[2] *Royal Letters*, 49.

[3] The letter brought from the Czar was dated 3rd May. See also *Cal. State Pap. Dom.*, Vol. 1661–2, p. 489 ; *Cal. Treas. Books*, Vol. III, pp. 1 and 199.

[4] See the receipt signed by one of them, Prozorovsky, 3 June, 1663, in *Royal Letters*, 49.

[5] The letter it brought from Charles II was dated 27 May, 1663, *English Charters*, N 91. For the description of this embassy, see " Rev. Hist.," t. CLIII, pp. 32–4. Charles Howard, first Earl of Carlisle, was summoned in 1657 to the House of Lords of Cromwell, and on the fall of Richard Cromwell was imprisoned, but was set free afterwards, and became a Privy Councillor at the Restoration and Lord-Lieutenant of Cumberland and Westmorland.

[6] Inna Lubimenko, *Les relations diplomatiques de l'Angleterre avec la Russie au XVII^e siècle*, " Rev. Hist.," t. CLIII.

I would only draw here the attention of the reader to the fact that though they may seem extremely friendly, judged by the expressions used in the letters of the last Stuarts,[1] as well as by the frequent exchange of messengers and embassies, these relations were, in fact, very different from what they had been during the reign of Queen Elizabeth, and even under the first Stuarts. Although in those times important diplomatic questions (for example, a project of an Anglo-Russian league)[2] had been discussed, since the great Rebellion such subjects were quite out of order. Even when English Kings expressed their desire to serve the Czars as mediators to help in the conclusion of peace between them and their enemies, these overtures were not accepted, though in 1615–17, an English diplomat, John Merrick, had been a favoured mediator for the conclusion of peace between Russia and Sweden. The demands constantly made for the re-establishment of the Companies' privileges had also no effect.

The principal reasons for this change of sentiments were : (1) That the economic policy of the Czars had definitely assumed at that time a new direction ; and (2) that their diplomatic relations with European Courts had developed and had often given them more satisfaction than the relations with England, where common interests were rather difficult to find. The friendship of England with Protestant Sweden, one of the constant enemies of Russia, could only augment the Anglo-Russian estrangement of that time.

[1] For example, in a letter of 2 May, 1663 : " Nor shall Wee be wanting in any thing (by the help of God) to demonstrate and evidance unto all the world, what a singular value and high esteem Wee set upon Y. I. M.'s friendship, which Wee shall evermore cordially embrace and endeavour to encrease and deserve the same. . . ." *Engl. Charters*, N 90; or, " . . . Haveing so unchangeable an inclination and resolution to maintaine a perpetuall Brotherly Love and close Alliance with Y. I. Mtie that, whosoever shall infringe or endanger the same, cannot appeare otherwise to Us, then guilty of an unpardonable offence." *Engl. Charters*, N 95, 20 March, 1665.

[2] See Inna Lubimenko, *Les projets d'alliance anglo-russe au XVI et XVII siècles*, " Revue d'hist. diplom.," an. 38 (1924), N 1.

Summing up all we have learnt of the Anglo-Russian relations during the English political revolution of the seventeenth century, we must come to the conclusion that the relations with Russia were not forgotten in England, neither at the time of the Civil War nor during the Protectorate, the merchants of the "Muscovy Company" being their special and natural instigators. The archives of Moscow have preserved letters received from Charles I, the English Parliament, Protector Cromwell and Prince Charles, who seem to have been, all of them, though in different degrees, eager to entertain relations with the Russian Court. But Czar Alexis, who occupied the throne in that period, as well as those who directed his policy, showed themselves very able and prudent diplomats.

We must not forget that if English merchants were making efforts to revive the former relations, Russian merchants, on the contrary, were against their re-establishment, petitioning the Government for a policy of protection. It seems that many mercantilist and protectionist ideas had been introduced in the seventeenth century, with foreign wares, to Russia, and that the Russians had decided to profit by that policy. The Russian Government, instigated by the Russian commercial classes, had cancelled the privileges of the "Muscovy Company" under the pretext of the rôle of her merchants in the revolution; had expelled them, and had confiscated a part of their goods. Though later some of them had been allowed to pass from Arkhangel to Moscow and other towns of the interior, they had definitely lost their privileged situation and had to pay customs as well as other foreigners.

While receiving letters and delegates from both parties, that of the Stuarts and that of the Revolution, Alexis himself wrote very little to England. He could not know which of the two parties would be the definite victor and the Russian markets were in no need of English wares, since Dutch merchants had long ago taken the place of the English

and were importing choicer and cheaper merchandise,[1] as well as their golden ducats, highly appreciated by the Moscovites.[2]

Since the presentation of Dokhtourov in Parliament (which had taken place after long reluctance and without the authorisation of the Czar) and until 1662, no messengers were sent to England by the Russian Government, as it preferred to adopt a passive rôle in these relations. Though its sympathies were certainly on the side of monarchy, the help given to Charles was expressed only by a modest loan, given in wares of the country, and repaid in ready money, of which the Moscovite treasury was always in great need. So this help proved to be an advantageous financial operation. But it must be also considered that it was given in 1650, soon after the execution of Charles I, under a vivid impression of indignation and horror. Since that time, while this feeling had become less acute and news of the re-establishment in England of order and peace under a new Government had reached the Russian Court, the Czar had made no further attempt to help the Prince and had taken no active step in his relations with him. We know also that he even received the messenger of his enemy and wrote a personal answer to the overtures of Cromwell.

So his sympathies were not allowed to influence his politics, and such historical realities as the establishment of the Protectorate were considered as a fact, which had to be accepted. Five years had proved a sufficient period to change in his mind one of the most " ghastly rebels " into a lawful representative of the State with whom friendly relations could be entertained.

In his turn, Charles II, who was most probably informed of these relations, found it more prudent and advantageous

[1] See Inna Lubimenko, *The Struggle of the Dutch with the English for the Russian Market in the Seventeenth Century*, " Roy. Hist. Soc. Trans.," Ser. 4, Vol. VII, pp. 27–51.

[2] J. G. Van Dillen, *Amsterdam marché mondial des métaux précieux au XVII^e et au XVIII^e siècles*, " Rev. hist.," t. CLII, 1926 ; Juillet-Août, pp. 194–201.

to ignore them, treating the Czar in his letters, written before and after the Restoration, as his faithful and undoubted friend, from whom he had every reason to expect friendly services and new concessions for his merchants. But the change that economics had undergone sufficiently explains why neither the close intercourse of earlier times nor the privileges of the "Muscovy Company" could be re-established.

THE MERCHANT ADVENTURERS OF BRISTOL IN THE FIFTEENTH CENTURY

By E. M. Carus-Wilson, M.A.

Read 12 *January*, 1928

A shrewd Italian visitor, writing of England more than four hundred years ago, remarked :—" There are scarcely any towns of importance in the kingdom excepting these two : Bristol, a seaport to the West, and Boraco, otherwise York, which is on the borders of Scotland ; besides London to the South." [1] Now York was not a port, though it traded far afield through Hull ; London was a port, but it was so much else that its story is confusingly complex ; moreover it was not by the Thames but by the Severn that Englishmen first found a pathway to the New World at the end of the Middle Ages. Hence Bristol, then the second port in England, is of peculiar interest to the student of the still unwritten history of English commerce in the fifteenth century—a history unchronicled, but not unrecorded, and quite as significant as the wars abroad and the strifes at home which have too often earned for the century a character of futility.

Bristol's greatness was indeed built on its trade. It had no old reputation as a cathedral see, as a military station or as a shire town, but as a centre for inland and overseas trade it had unique advantages. Into its market poured goods from a wide circle whose circumference included on the north, Chester ; on the west, Milford Haven ; on the east, London ; on the south, Plymouth. From the north, down the great waterways of the Severn and the Avon, came

[1] *The Italian Relation*, Camden Series, 1847, p. 41.

rivercraft with produce from the rich agricultural regions in the heart of England,[1] with iron and timber from the Forest of Dean,[2] or bales of cloth from Coventry.[3] Over the hills by carrier came wool from the pastures of the Cotswolds or Mendips or even from further east.[4] Up the wide estuary of the Severn came cloth and hides and more wool from Wales [5]; together with fish and tin from Devon and Cornwall.[6] Moreover, the sudden contraction of this long fiord causes exceptionally high tides. These, rising sometimes to a height of fifty feet, enable vessels to be borne rapidly through the narrow wooded gorge of the lesser Avon into Bristol's sheltered harbour. The Cinque Ports must have envied Bristol the seclusion which gave it immunity from foreign invasion and constant assault by pirates. And while this tortuous gorge guarded against violation by sea, protection from attack by land was easily secured between the encircling Avon and its tributary the "lusty Frome." Where the two rivers met lay Bristol, and to this natural moat was added a turreted wall, pierced by four gateways each crowned by a stately church. From them four streets led to the central market cross, round which stood three more venerable churches and the ancient Tolsey Court. By the fifteenth century, however, Bristol had grown far beyond the circle of those city walls. Across the picturesque bridge over the Avon with its shops and gabled houses, lay a busy industrial suburb. Here the Weavers' Hall, Weavers' Chapel and Tucker Street marked the fact that Bristol no longer exported the wool coming to her in such abundance, but was converting it into the famous Bristol cloth, and had become one of the leading manufacturing cities of England. Hard by, at the two river quays, each well bound with free-

[1] *Great Red Book*, f. 18; *Rot. Parl.* IV, p. 346.

[2] *Ibid.*, ff. 18, 23, 210. *V.C.H. Glouc. II*, pp. 219–23.

[3] *Coventry Leet Book*, p. 260, 594; cf. *Rot. Parl.* III, pp. 437, 541, 614, 643.

[4] E.g., *Early Chancery Proceedings*, 61/499.

[5] *Exch. K.R. Escheators*, 238/2; Worcester, *Itinerarium*, ed. Dallaway, p. 111

[6] *Ibid. Early Chancery Proceedings* 18/189.

stone in contrast to the muddy banks of some notable foreign ports, sea-going vessels were built and loaded. Thence they were despatched with cloth, hides, and other merchandise, to north and south and west.

Three main routes were followed in the early fifteenth century, each of about equal importance, as we can trace in the Customs Accounts.[1] All three led away from the traditional centres of European commerce, the Mediterranean Sea, the Baltic Sea, and even the North Sea. For Bristol, opening to the west, looked towards the mysterious Atlantic Ocean, then to all appearance the utmost bound of the earth, and on its shores her merchants marketed their goods, faring forth all unconsciously upon the future great highway of nations.

Near at hand Ireland, then enjoying a period of comparative prosperity and freedom from English control, provided a market for at least a third of Bristol's exported cloth. And from Ireland's flourishing ports, which themselves carried on an extensive trade with the Continent, came merchandise to almost twice the value of what she received —corn, linen, timber, cattle, and above all fish, the bulk of which was consumed in England. Trade with these ports was one not in luxuries but in the necessities of life. Thus the Irish Sea was to the West of England on a smaller scale what the North Sea was to Eastern England, and Bristol, as its great mart, had no need to seek the coasts of Norway for fish or timber.

Bristol's second great market was the English province of Gascony. Thence, in return for cloth, came chiefly wine and woad, the principal dye used in the cloth industry. Thus the political union of England and Gascony was strengthened by the economic bond of a traffic equally necessary to both, for, as a Bordeaux merchant remarked, "How could our poor people subsist when they could not sell their wines or procure English merchandise?"

Sailing farther south, Bristol merchants supplemented

[1] *Exchequer K.R. Customs.*

their supplies of wine from the western coasts of the Iberian peninsula. Thence luxuries also, such as fruit, were sought in increasing quantities as the century wore on, with sugar from Portugal's new-found colonies, while from those " very naughty havens for great shippes " on Castile's rocky northern shore came quantities of iron.

Bristol's trade then rested on a threefold basis. To Ireland, Gascony and the Iberian peninsula its ships bore cloth. Thence they returned, accompanied by about an equal number of foreign ships, with valuable foodstuffs, raw materials, and some luxuries. This paper is not concerned with the manner of this trade and the methods of its merchants, but with some of the more interesting changes and developments which took place before the time of the Tudors and the discoveries of Cabot.

For ere long Bristol's " prosperous felicity " was to be rudely threatened, when at the end of the Hundred Years War the English were expelled from Gascony and one of its three chief markets vanished. Unlike the gradual waning of England's political power in France, this commercial collapse came suddenly. It is indeed remarkable that in spite of misgovernment at home, of lawlessness on the sea, and of costly and calamitous wars, Bristol's trade seems to have developed markedly up to the very eve of England's final defeat, reaching its zenith in the middle of the century. This conclusion is suggested by an investigation of the *Enrolled Customs Accounts*.[1] These are extant for almost the whole of the period, and give the total amounts of wine and of cloth customed. Like most contemporary figures, they prove in many ways a disappointing guide. Since returns cover the period of office of a particular collector, the figure for any one year cannot always be precisely ascertained. Further, the constant evasions and exemptions from customs, the laxity of officials, especially when there was no efficient central control, the appointment to office of notorious offenders, and the rapid succession of new officials

[1] *Exchequer L.T.R. Enrolled Accts., Customs.*

in certain years, all militate against uniformity in the entries; while the heavy losses through wreckage, and still heavier losses through piracy, may entirely alter the balance for any one year. Nevertheless the steady continuity of these accounts throughout most of the century makes it possible to deduce a curve giving the average trend of variation over a period of years, without regard to fluctuations from year to year, though even here allowance must probably be made for abnormal laxity during the civil war. Such curves, with the readings for each year, can be shown in graphs, illustrating the progress of Bristol's foreign trade in wine and cloth, its chief import and export.

Here it will appear that imports of wine reached their highest figure during the whole Lancastrian and Yorkist period between 1440 and 1448, and that exports of cloth were largest about the same time. The inference that this expansion marks an increase especially in wine from Gascony is confirmed by the books of the Constable at Bordeaux. These show, for instance, that in the autumn alone of 1443 six Bristol ships left Bordeaux with 1,614 tuns of wine [1]; this is almost as much as Bristol's total annual import of wine from all sources early in the century. Again, whereas in 1409–10, of the 212 ships of all nationalities leaving Bordeaux only two had carried as many as 170 tuns [2] 170 was now the average tunnage of Bristol's ships, while the *Marie de Wilshore* carried 249 tuns, 69 tuns more than any ship in 1407–8. And these were no exceptional cargoes, as later accounts prove.

But this rapid progress of Bristol's enterprising merchants was eventually to be checked by circumstances beyond their control. For when at last, after the reconquest of all the rest of France, the unwilling citizens of Bordeaux and Bayonne were compelled to open their gates to their own compatriots, their privileges were destroyed, heavy taxes were imposed on exports and imports, and

[1] *Exchequer K.R. Accounts, Various, France*, 194/3.
[2] *Ibid.*, 184/12.

trade with the English was absolutely forbidden.[1] Thus, as the Customs Accounts show, exports of wine to Bristol seem to have reached the lowest point during our period. Charles VII would not, and Henry VI could not, help the merchants.

Many of the Gascons, still preferring English to native rule, came to England, and the number of Bristol's merchants was increased by several of these immigrants. Such were Barnard Bensyn "late of Bordeaux, merchant," Moses Conterayn, "Gascon and merchant of Bordeaux,"[2] who became one of Bristol's most active merchants, and probably also William Lombard "merchant of Bordeaux," who in 1468 was buried in St. Nicholas' Church, Bristol, and whose will is inscribed in the Great Red Book.[3] Those merchants who remained in Gascony attempted to find other outlets for their wares to England by sending them first to other parts of France. Their efforts further prove how seriously trade had been disturbed by the establishment of French rule in Gascony. The effect, however, of these experiments can only be analysed after a detailed study of the import of wine to London and other southern and eastern ports, and moreover the lack of detailed customs accounts for Bristol from 1437 to 1460 makes them difficult to trace. Some wine certainly reached Bristol through Brittany and Normandy,[4] and the customs after 1460 for the first time record shipments of woad from Caen. But these and other new routes from France, though they may have benefited some ports, must have been cumbrous and expensive for Bristol merchants compared with the direct sea passage, and do not seem to have been extensively developed by them.

Thus deprived of one of their three chief sources of wealth, in what fresh markets could the Bristol adventurers seek

[1] Troplong, *De la Fidélité des Gascons aux Anglais pendant le Moyen Age*, p. 487. Cf. Balasque, *Bayonne*, III, pp. 499–502. Jullian, *Histoire de Bordeaux*, p. 298. Malvézin, *Histoire du Commerce de Bordeaux*, II, p. 18.

[2] *Early Chancery Proceedings*, 64/345.

[3] *Great Red Book*, f. 68.

[4] E.g., *Exchequer K.R. Customs*, 19/14.

compensation for their loss? Already during their rapid commercial development before the fall of Bordeaux they had embarked on certain new enterprises; two of these might have seemed to offer further possibilities.

The fish trade with Ireland had been supplemented by opening up relations with a larger but less fertile island in the far north—Iceland. In the Icelandic annals Englishmen appear for the first time during this century in 1412, but the earliest trace of Bristol men is about ten years later. Then, according to the *Libelle of English Polycye*, they found their way thither across a trackless ocean "by nedle and by stone"—an indication of the growing influence of the compass on maritime development.[1] The first Bristol Customs Accounts extant after this date (in 1437) record the arrival of two ships thence. Eagerly did the Icelanders welcome these visitors. For they brought to that snow-capped desert in mid-ocean sorely needed necessities of life, at a time when she was in dire straits through the decay of her own seamanship and the neglect of her nominal rulers across the water, when "No news from Norway to Iceland" was the sorrowful refrain of the annalist.[2] Food in plenty was shipped from Bristol—flour, malt, butter and honey. And since Iceland also lacked minerals, there were added pots and pans, horseshoes, knives and locks. Indeed these ships with a medley of hats and caps, needles and thread, girdles and purses, wax and paper, rolls of cloth and linen, must have stocked many a pedlar's pack.

But Bristol's trade with Iceland was probably always on a small scale compared with that of all her competitors on the other side of England. Three is the largest number of vessels ever reported in one year as sailing for Iceland. The stockfishmongers of Newcastle, Hull, and Lynn had the twofold advantage of a long-standing connection with the north-east of Europe and of a route which was familiar and direct instead of unknown and perilous.[3] And those curious

[1] Wright, *Political Songs*, II, p. 191.
[2] *Islenzkir Annálar*, 1847, p. 386.
[3] Cf. *Early Chancery Proceedings*, 59/88.

foreign bishops in Iceland—who were apparently more careful to supply themselves with beer than their flocks with instruction—ordered their provisions from England's eastern counties and not from Bristol.[1]

For any port, however, profitable though the trade was to both parties, it was fraught with ever-increasing dangers and difficulties. An analysis of these here would be out of place, since it concerns principally England's eastern ports and belongs to the far larger story of England's relations with the Hanse. The chief point in which it concerns us is that the Danish king, dominated more and more by Hanse influence, laid more and more severe restrictions on English trade, and virtually strangled it by forcing it to go via Bergen where the Hanse was supreme,[2] until finally four English ships, one from Bristol, were seized on their way to the Baltic and open war broke out. The war was followed by a succession of truces still seriously restricting the English, until at last Henry VII insisted on freedom of trade in the treaty of 1490.

Thus, though Bristol seamen amongst others sometimes flouted the claims of the Hanse with impunity,[3] in the end their challenge to its supremacy in the northern seas was futile, and no extensive development of their intercourse with Iceland or the Baltic was possible to compensate for the loss of the Gascon trade.

Nevertheless the men of Bristol and other rising ports were not content to traffic only with lands where no powerful interests contested their authority. The same intrepid spirit of daring which impelled them recklessly to ignore Bergen's monopoly and attempt to open up new fields for commerce in unsailed northern seas, drove them also to

[1] *Calendar of Patent Rolls* 1422–29, p. 394; 1436–41, p. 58. Rymer, *Foedera*, V, i, pp. 45, 56, 75.

[2] E.g., Rymer, *Foedera*, IV, iv. p. 177; *Calendar of Patent Rolls* 1446–51, pp. 191, 430.

[3] E.g. *Early Chancery Proceedings*, 19/316. The English have been accused of acts of violence in Iceland; these were in many cases committed against oppressive Danish officials whose discomfiture rejoiced the Icelanders. See, for example, *Icelandic Sagas*, Rolls Series, IV, pp. 436–7.

challenge the haughty vessels of Venice and Genoa, seeking new highways for their ships in waters frequented from the dawn of history. Boldly they pushed through the Straits of Marrok to fetch for themselves the coveted spices which they had hitherto meekly received from foreigners; for, from the Pillars of Hercules to the gateways of the East, the mighty Italian cities still reigned supreme in the mid-fifteenth century, as the Hanse reigned supreme in the North.

The history of Bristol's earliest attempts is inseparably bound up with the name of the great pioneer, Robert Sturmy, one of the most notable but least known of Bristol's citizens.[1] His last ill-fated expedition arrested the attention of more than one fifteenth-century chronicler, but the allusions to him in modern histories (like those to John Taverner of Hull and other pioneers beyond the straits) are slight and misleading.[2] So we may well gather up what evidence has come to light about one commemorated in Bristol as a "ful notable worshipful marchaunt."[3]

Little is known of his early career. In contrast to William Canynges and his distinguished family he stands out as a solitary figure of obscure origin. During the two decades in which he must have been most active, one year only (1437) appears in the detailed customs accounts. So we have no means of knowing in what goods he trafficked or with what lands he had dealings in an ordinary way. Almost his only recorded transactions are those exceptional enough to need licences; his only known ventures those which came to a tragic end. His experience as a merchant was gained in part through provisioning the king's forces in France. On July 30th, 1436, he secured a safe conduct to go thither in the company of the Earl of Huntingdon for victualling Aquitaine, but this protection was withdrawn

[1] Spelt variously Sturmy, Sturmys, Sturmyn, Starmyn, Stormy, Stourmy, etc.

[2] One historian, for example, from a single reference to Sturmy concludes that he "carried on a considerable trade in the Levant." Abram, A, *Social England in the Fifteenth Century*, p. 36.

[3] *Great Red Book*, f. 96.

in the following November, since he still tarried at Barton Regis in Gloucestershire.[1] A few years later, however (1441–2), he shipped to Bordeaux for the king's subjects 78 weys of corn valued at £98 14*s.* 4*d.*[2]

In 1444 he was sufficiently well known in Bristol to be chosen bailiff. In the following year the Venetians were driven out of Egypt and the monopoly of the Italians in the Levant began to be broken. Not long after, with shrewd insight, Sturmy was planning his first recorded expedition to the Mediterranean, and procuring for it the *Cog Anne* and a special licence enabling him to share the privilege of shipping staple goods elsewhere than to Calais. Three English commodities were certain of a Mediterranean sale—wool, tin and cloth. For cloth he needed no permit, so the licence was made out on November 3rd, 1446,[3] for him to ship 40 sacks of wool and 100 pieces of tin (26,000 lb. in weight) by his attornies or deputies "by way of the Straits of Morocco" to Pisa. By sending to Pisa he designed to avoid Venice and Genoa, and to deal with a now humbler rival in commerce, namely Florence. But the *Cog Anne's* journey was not to end at Pisa. For she was on her way to fetch from the gateways of the East the spices—pepper, ginger, and the like—which were the most coveted of all the infidel's goods. For this, what outward freight could be better than pilgrims for the Holy Sepulchre?

In 1446, then, the *Cog Anne*, with 160 pilgrims and a crew of 37, charged with 20½ sacks and 12 cloves of wool, and probably other goods too, set sail from Kingrode for Pisa.[4] Tin may have been taken on board at some Cornish or Devon port. Who was the luckless captain, and who went as Sturmy's representative to parley with the Turks, we cannot tell. Calling at Seville, she passed the ill-omened straits, defiantly entered the Mediterranean, and, perhaps because she was quite an unexpected apparition, arrived

[1] *Calendar of Patent Rolls*, 1436–41, p. 350.
[2] *Exch. L.T.R. Customs*, Roll 19, m. 6 d°.
[3] *French Rolls*, No. 129, m. 20.
[4] *Exchequer L.T R. Customs*, Rcll 19, m. 7 d°.

safely at Joppa, her goal, and landed her pilgrims. These very likely returned overland—a common method of shortening the undesirable journey by sea.[1] At any rate the *Cog Anne* did her business and set out for home without them. We know not whether she had secured her spices, for on a dark and gloomy night in midwinter (December 23rd) as she sailed along the jagged coast of southern Greece, there arose a sudden tempest and a mighty wind ; the *Cog Anne* was driven on to the rocks off the island of Modon and dashed to pieces, and there her whole crew perished " to the extreme grief of their wives and their friends at Bristol." Then came a certain faithful bishop of Modon, gave honourable burial to the thirty-seven bodies, and built and consecrated a chapel from which prayers might arise for the souls of these ill-fated adventurers. Such is the story, as given in two places by William of Worcester.[2] How great a sensation the calamity made is apparent from the stress laid on it in his usually terse and unemotional pages.

Sturmy seems to have been neither ruined nor daunted by so melancholy a shattering of his hopes—he had at least not fallen into the clutches of the grasping Italians whom his petty traffickers must have dreaded more than the elements.

During the next ten years he figures as a prosperous and respected citizen,[3] doing his duty in such civic offices as only a man of wealth could afford to fill. We find him attending a meeting of the town council (in 1450) to arrange for the spending of a sum of money bequeathed by a fellow merchant for the repair of the town walls [4] ; being chosen (in 1451) as sheriff [5] ; assisting (in 1452) to pass a decree degrading from office an unworthy steward [6] ; and finally elected by his fellow-councillors as their Mayor for 1453–4. More councils had now to be attended, ordinances for the welfare of the town passed and signed, elections presided

[1] Cf. William Wey's *Itineraries.*
[2] Worcester, *Itinerarium*, ed. Dallaway, pp. 78, 109.
[3] *Ibid.*, p. 112, " *venerabilis.*"
[4] *Great Red Book*, f. 17.
[5] *Ibid.*, f. 18.
[6] *Ibid.*, f. 186.

over,[1] industrial disputes between masters and men to be settled[2]; courts held constantly—the Tolsey court sat at least three times a week; quarrels heard between natives and aliens, customs officer and refractory shipowner, and judgment given sometimes under threat of vengeance from the loser.[3] Royal mandates, too, had to be carried out, such as that to Robert Sturmy, Mayor, William Howell, Sheriff, Thomas Young and Henry Weston (on May 28th, 1454) to cause £150 to be levied in Bristol by Trinity next for the wages of certain lords and others associated with them for the keeping of the sea.[4] A special effort had been made this year under the new Protectorate to remedy the chronic state of bad sea-keeping, and it had been ordained in Parliament that money should be collected, and that promptly, from the chief ports.[5] Bristol's allotted share was more than that of any city except London, which was to pay £300, yet so public-spirited was Sturmy, or so thoughtful for favours to come, that he further assisted matters himself by making "new at Brystow—a stately vessell, only for the warre."[6]

Prominent in private as in public life, he was long remembered for his liberal hospitality and his generosity to fellow-merchants whether foreign or otherwise ("*tam pro externis mercatoribus quam aliis generosis*").[7] We can well imagine him in his fur-trimmed gown of rich scarlet and his golden girdle, sumptuously entertaining in his hall some distinguished visitors from foreign parts, with the help of Mistress Ellen his wife and Alison and Jonet her two maid-servants, and keenly questioning them on the distant lands which it was his purpose to visit. We catch a glimpse of him, too, as a parishioner of the church of St. Nicholas upon

[1] *Great Red Book*, ff. 78, 93.
[2] *Little Red Book of Bristol*, II, p. 151.
[3] *Early Chancery Proceedings*, 19/122, 24/221.
[4] *Calendar of Patent Rolls*, 1452–61, p. 156.
[5] *Rot. Parl.* V, p. 245.
[6] *Paston Letters*, ed Gairdner, 208.
[7] Dallaway, *ut supra*, p. 112.

the wall. There he attended a parish meeting to discuss what was to be done with the seats of those who left the church, for congregations seem to have been as migratory then as now, and to prevent such parishioners from selling them at exorbitant prices.[1] His presence at a Parish Council is, however, no proof of piety, for St. Nicholas may have had the same rule as All Saints, that absentees were to be strictly fined.

In these years of strenuous public duty Sturmy can have had little time for business enterprises out of the usual, though no doubt he seized every opportunity of gaining first-hand information which would be of service. But as soon as his mayoralty was over new ventures claimed him.

Again in 1456 he procured a licence to take pilgrims, this time to Compostella, to the number of sixty, in his own ship, the *Katharine Sturmy*.[2] Very likely this was the one from Bristol which joined company with five others at Plymouth on May 17th, and reached Spain on May 21st.[3] Considering all that had to be endured on the journey, it is little wonder that pilgrims did not often choose the long sea route round the Cornish coast.

This voyage was for the *Katharine* but a prelude to a far more daring one the following year. By 1457, when the English merchants, still shut out from Gascony, must have had much cloth on their hands, the Italian merchant cities were losing their grip on the Levant as the tide of Ottoman invasion steadily advanced. When Constantinople at last fell in 1453, Genoa lost her rich colony at Pera, and her merchants were becoming exhausted by their struggle to protect their Black Sea colonies from the Turks and their western Mediterranean possessions from the growing menace of the rival Catalan fleet. Venice, with greater influence in the Near East by reason of her situation and her superior

[1] *Vestry Book of St. Nicholas' Church.* Sturmy also appears in St. Ewen's Churchwardens' Accounts 1454–5 : " Item, of Robert Sturmy for a lytyl old bell. vs."

[2] Rymer, *Foedera*, V, ii, 67.

[3] William Wey's *Itineraries*, p. 153.

naval strength, was still able to conclude a treaty with the Sultan, preserving her rights of free trade and of self-government in Constantinople. Such a time of upheaval must have seemed opportune to Sturmy, for he had the vigour and initiative to adapt old resources to changing needs. Once again he resolved that an English ship should fetch spices from the Levant to Bristol, not venturing singly but with two attendant caravels, and that he himself would go with them. Once again, on February 8th, 1457, a licence was procured. Its figures give some idea of the magnitude of the venture which Sturmy conceived. For even if he sold a part of the licence to other merchants, it indicates an English Mediterranean enterprise of an exceptional character. He had permission to ship 100 weight of lead, 10,000 pieces of tin, 600 sarplers of wool, and 6,000 pieces of cloth —that is cloth worth at least £20,000.[1] Security to the extent of 500 marks was to be left with the customers that the goods were to be sent "beyond the mountains by the straits of Marrok" and nowhere else, and a certificate of their unloading was to be delivered within one year. A month later Sturmy procured a further licence for 40 quarters of wheat to be carried to Italy with other goods.[2] Three months more must have been spent with John Eyton, who provided one of the ships, in repairing and victualling them, and in collecting cargo in Bristol and elsewhere. At last on June 27th Sturmy made his will,[3] beginning as follows: "In the name of God, Amen. The 27 day of June in the yere of our Lord m^{l}cccc^{mo} lvii, I, Robert Sturmy, Burgeys and marchant of Bristowe, make my Testament in this wise. First I bequethe my soule to God and to our Lady Seint Mary, and to alle þe seintes of hevyn, and for as much as I am now passinge over the see under the mercy of god I bequethe my body to be buryed ther as is moost plesing to God." He must have been hoping for consider-

[1] *Exch. K R. Memoranda Rolls*, 37; *Treaty Rolls*, 35 Henry VI, m. 20.
[2] *Treaty Rolls*, 35 Henry VI, No. 139, m. 6.
[3] *Wills proved in the Prerogative Court of Canterbury*, Stokton, 14.

able profits from this voyage, for the legacies to his family and to his servants were to be doubled if his ship returned in safety, many more masses were to be sung for his soul, and further sums of money were to be given to the overseers of his will, the Vicar of St. Nicholas and a Ludlowe draper.

There is no clue as to the date of embarkation or as to what precisely formed the cargo, though it seems most probable that the *Katharine* set out in 1457. Safely she sailed into the Mediterranean and on into "divers parts of the Levant" ("hetheness," as the London chronicler expresses it), "and other parts of the East."[1] Of this stage of the trip only hearsay reached the chronicler, though official documents amply corroborate the main facts. Then, continues Fabyan, "for so much as the fame ran upon him, that he had gotten some green pepper and other spices to have set and sown in England (as the fame went)," the Genoese determined that the *Katharine* should never reach home. So they lay in wait for Sturmy near Malta where the Mediterranean is dangerously narrow, and there they spoiled his ship and another.[2]

Thus provokingly brief are State records and chronicles alike, but, whatever the damage done, the outrage roused the wrath of the English. All the Genoese in London (their chief English depot) were arrested, incarcerated in the Fleet Prison, and their goods confiscated.

Relations between England and Genoa were further complicated at this time, since in 1458 Genoa, desperately seeking aid against the Turks and against Alfonso of Naples with his troublesome Catalan fleet, had persuaded Charles VII of France to accept the Lordship over her city and had handed over its governorship to John of Anjou, the son of the rival claimant to Naples. In that year, therefore, French soldiers were assisting to defend the harbour of Genoa

[1] Kingsford, *Chronicles of London*, p. 169.

[2] Kingsford, *ut supra*; Ricart, *The Maire of Bristowe is Calendar*, p. 41; Flenley, *Six Town Chronicles*, pp. 112, 161; *Calendar of Patent Rolls*, 1452–61, p. 517.

against the Catalans. Moreover French ships had in the previous year (1457) been responsible for the sacking of Sandwich and the burning of Fowey, and were now being vigorously chastised with those of their allies the Castilians by the Earl of Warwick. It is therefore highly probable that the French instigated the seizure of Sturmy's ships by the Genoese. Indeed it has even been suggested that the arrest of their ships and goods in England in that year was merely the natural sequel to their accepting the French as overlords [1]; it seems, however, more likely that, as the Chronicles relate, the attack on Sturmy immediately prompted such drastic action, especially in view of the magnitude of the damages extorted for it before the Genoese could be delivered. For there began a great lawsuit when Philip Mede, Mayor of Bristol, "sewid byfore the kyng and his counseile al the Lumbards Janueys at that time in Englande, bicause of the takyng of Robert Sturmy and of his shippes. Which Janueys, after long sewte of the same, were judged and condempned to pay the saide maire and his brothern the some of 9000 marcs, to be paide at certein termes." [2] In due time, on July 25th, 1459, Sir John Stourton, Philip Mede, John Eyton, William Canynges, Richard Chok and William Coder were commissioned to receive from the Treasurer £6,000 to be distributed among those involved in the venture,[3] and the Genoese were delivered from prison.

Meanwhile, what had become of Sturmy? It is clear that he too perished in the very year of the disaster, for his will was proved at Lambeth on December 12th, 1458. Where and how he died is still, however, an unsolved mystery. His tragedy is but an interlude in the story of Bristol's trade. No other record has come to light of similar Mediterranean ventures thence before the time of the Tudors.

[1] Anderson, R. C., *Letters of the Fifteenth and Sixteenth Centuries from the Archives of Southampton*, pp. 14–16.

[2] Ricart, pp. 41–42 (under year 1459). In Flenley, *ut supra*, p. 161, and Kingsford, *ut supra*, p. 169, the sum is 6,000 marcs.

[3] *Calendar of Patent Rolls*, 1459, p. 517.

And though by the time of Henry VII England had a consul at Pisa whither Sturmy had taken wool, yet for the English the more distant parts of the Levant then remained "jeopardous and far parts." [1]

Thus far afield, north and south, disappointment had met the Bristol seamen midway through the century in their attempts to penetrate the spheres of their formidable rivals, the Hanse and the Italian cities, and nearer home the once familiar harbours of Gascony were closed to them.

Yet this dejection was transient. For there was no decay in their intense vitality and sturdy self-reliance, even in the darkest days of England's defeat abroad and sordid strife at home. Bristol, like most towns, took little part in dynastic struggles and grudged contributions to the Exchequer; and the citizens whom neither marauding foreigner, "over-mighty subject," nor Yorkist nor Lancastrian army had intimidated, scorned to yield to difficulties, and strove anew with conspicuous success to rebuild its trade on the old foundations.

In France, their chance of re-establishing trade with Gascony came through the accession of the adroit Louis XI in 1461. His predecessor, Charles VII, had roughly conquered and tried to crush the Gascons, but the more astute Louis realised that in the struggle of the crown to build up a united nation the bourgeois were his strongest support against the nobles. He therefore won their favour by granting privileges to towns, restoring to many of those in Gascony a large measure of the autonomy which they had enjoyed under English rule. Bordeaux recovered its privileges, foreigners were encouraged to occupy its empty houses, exiles were recalled, and, in 1463, on the petition of the town, trade with England was again permitted.[2] Bristol merchants hastened to take advantage of the renewed opportunity, and went as of old in autumn and spring to

[1] Pollard, A. F., *The Reign of Henry VII*, III, p. 169.
[2] Troplong, *ut supra*, p. 521.

seek Gascon wines.[1] The fall in imports of wine and exports of cloth was checked and recovery began, as the customs show.

Tiresome restrictions, however, still hampered the merchant. Safe-conducts were compulsory, and these had to be purchased for a large sum, and lasted only for a year or two.[2] Customs dues were seriously increased, and, among many more petty annoyances, wines could only be purchased inland under French supervision.[3] Moreover, England and France were not yet formally at peace; each side sought opportunity to strike a blow at his adversary, and, in spite of safe-conducts, many boats fell a prey to pirates or privateers.[4]

It was with the treaty of Picquigny (1475) that trade made a further marked recovery. Then at last the long rivalry between the two nations was brought to a formal close and the merchant was encouraged not only by the greater security this gave, but by the removal of many hindrances. Now, as of old, he might sail freely to Bordeaux, and there dwell as freely as any of its citizens, paying much-modified dues and customs. Commines, true type of the diligent chronicler of the time, after detailing those articles touching the wars of kings and their unruly barons, concludes:—"Divers others trifling articles there were touching matters of entercourse, which I overpasse." Louis XI, however, saw further ahead than most of his contemporaries in bringing about this treaty, aptly called by the people of Bordeaux the "paix marchande," which benefited France and England alike not a little. Within five years Bristol's imports of wine had risen apparently to a level at least equal to that of the beginning of the century, while her exports of cloth reached an average as high as during their zenith before the loss of France.

[1] *Exchequer K.R. Customs*, 19/1, 3, 4.
[2] *Early Chancery Proceedings*, 27/383.
[3] Malvézin, T., *Histoire du Commerce de Bordeaux*, II, pp. 23, 26.
[4] E.g., *Cal. Pat. Rolls*, 1452–61, pp. 347, 608, 614, 649.

Bristol's rapid recovery and its vitality in the latter half of the century is further shown by its striking progress in shipbuilding. While some merchants still possessed merely a share in a ship, as had probably been the custom at the end of the fourteenth century,[1] many more owned the whole of a ship, and gradually a wealthy class emerged possessing small private fleets, amounting to quite a third of the whole tonnage of Bristol. William of Worcester, that most meticulous peripatetic topographer, who in these very years was diligently pacing the streets of his native city, measuring, noting, and all too seldom annotating, tells us that William Canynges for eight years kept 800 men employed in his ships, and had workmen, carpenters, masons, etc., to the number of a hundred men. Worcester enumerates ten ships as his, including one lost in Iceland, and says that six years after Canynges' death, in 1480, Thomas Strange possessed about twelve ships, and John Godeman also several.[2] He goes on to specify ten other ships as belonging to Bristol in that year ("*Naves Bristolliae pertinentes*"). These figures are confirmed by the customs accounts for the year 1479–80, which mention many of the ships in Worcester's list, and give over twenty different Bristol ships trading from Bristol.

More remarkable than the number of ships owned by an individual merchant is what seems an almost fabulous increase in their size. Early in the century few can have carried more than 100 tuns of wine. "Of fifty tuns burden" is one of the few definite specifications we have; the average cargo of Bristol's ships at Bordeaux was 88 tuns (in 1402), though one loaded 179 tuns.[3] But by the middle of the century ships from Bordeaux brought on an average 150 tuns. They thus compared very favourably with those of France and Spain; for in the same period the *Great Red Book* gives a list of safe-conducts for French and Spanish

[1] Wadley, T. P., *Notes on the Wills in the Great Orphan Book and Book of Wills*, pp. 16, 17, 30, 33.

[2] Worcester, *Itinerarium*, ed. Dallaway, pp. 107, 114–15. The figure for Godeman is missing.

[3] *Exch. K.R. Accounts Various, France*, 184/19.

ships, varying usually from 80 to 250 tuns, though three are stated to be of 300 tuns and one of 350.[1] This considerable increase in burden as traced in the customs tends to confirm Worcester's often criticised figures for the end of our period, the time of the great ship-builders. He puts four of Canynges' ships at under 200 tuns, three more between 200 and 250 tuns, the *Mary Canynges* at 400 tuns, and the *Mary Redcliffe* at 500 tuns, the size of the largest of Warwick's ships in 1464.[2] The most difficult figure to believe is that of 900 tuns for the *Mary and John*. But Worcester's figures are undoubtedly to be relied upon. We have proved that he was about right as to the total number of Bristol's ships ; he was most scrupulous in those measurements which we can check to-day in Bristol ; he is careful to state that the lost ship which could not be accurately measured was " about 160 tuns " ; the records of the actual amounts of wine unloaded in Bristol again and again precisely corroborate his assertions ; and it is evident that the *Mary and John* was exceptional in its day, for he states that she cost Canynges the great sum of 4,000 marks to build.[3]

Only one more proof need here be given of the prosperity of these hard-headed men of business, which is also a proof that they looked beyond the things that were to perish with the using. For much of the fortunes they amassed they invested not in ventures that were to pass into oblivion, but in those still glorious stone fabrics of their dreams, which have not failed to pay interest abundantly to each succeeding generation. In the midst of the busy city of to-day there rises one of the loftiest and most beautiful of fifteenth-century towers, built at the sole expense of the merchant John Shipward. His yet more renowned partner in trade, William Canynges, ship-owner, ship-builder and five times mayor of Bristol, splendidly completed the work of his father and grandfather beyond the city walls. His

[1] *Great Red Book*, ff. 38–161.
[2] Scofield, *Life and Reign of Edward IV*, II, p. 417.
[3] Cf. Scofield, *ut supra*, II, pp. 410–414 ; *Cely Papers*, pp. 176–7.

church, St. Mary Redcliffe, one of the last and grandest achievements of English Gothic, mirrors for us the conditions that produced it and the character and outlook of the notable merchants who there lie buried.

It reveals them, in the magnitude of its conception and the wealth of its adornment, as increasing in riches and prosperity in spite of the disasters of the middle of the century. It reveals them further as mediaeval still, in their conception of this world as of the next. For just as they lavished their wealth on churches still Gothic in form, brilliant in colour and gilding and adorned with exquisite craftsmanship, so they clung tenaciously to twelfth-century trade routes, long sanctioned by custom. Even in their new enterprises they sought only to share with the Hansards or the Italians a time-honoured traffic in northern or southern seas.

But with such a structure as St. Mary Redcliffe, Gothic art had reached its climax, and, in a blaze of glory, vanished. So for the Bristol merchant who had reared it, the old order was on the brink of dissolution. Except for Calais, France was already under French rule. Ireland was presently to languish under the harsh Tudor yoke. Portugal's ancient friendship with England was dissolving through her new affinities with Spain and her staunch allegiance to a religious outlook which was to sever both her and Spain from England. For the Bristol merchants who in their wills endowed chantries where their own souls might be prayed for had sons who preferred to leave money for an almshouse or a school.

Yet even more suddenly than the old world vanished a new world of endless possibilities was to appear, giving ample scope for the experience and skill the Bristol adventurers had gained during the century. For their destiny lay not on the eastern shores of the ocean, long known to them, nor on the seas which they had striven to penetrate in Europe. In 1480 John Jay's little ship of 80 tons sailed forth westwards into the unexplored Atlantic, under one

Lloyd "the most scientific mariner in all England," in quest of the fabled island of Brasylle "in the western part of Ireland." [1] Jay returned baffled after many weeks of wandering; but his oceanic enterprise, at the close of a century of many disappointments, heralded for Bristol adventures, of a magnitude as yet undreamed of, upon uncharted seas and unimagined continents.

[1] Worcester, *Itinerarium*, p. 153.

A STUDY IN THE HISTORY OF CLARE, SUFFOLK, WITH SPECIAL REFERENCE TO ITS DEVELOPMENT AS A BOROUGH

(*Alexander Prize Essay*, 1928)

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Read 9 *June*, 1928

LIST OF ABBREVIATIONS SPECIALLY USED IN THE ESSAY

Bury Will .	Wills at the Probate Office, Bury St. Edmunds (West Suffolk).
C.C.R. . .	Calendar of Close Rolls.
C.P.R. . .	Calendar of Patent Rolls.
Ct. R. . .	Public Record Office, Court Roll.
Mins'. Acct. .	Public Record Office, Ministers' Account.
P.C.C. . .	Wills proved in the Prerogative Court of Canterbury, in Somerset House.
Suff. Inst. .	Proceedings of the Suffolk Institute of Archæology.
Verdicts I .	Verdicts of the Clare Headboroughs, 1612–90. Duchy of Lancaster Office.
Verdicts II .	Verdicts of the Headboroughs, 1692–1833. Office of J. O. Steed, Esq., Solicitor, Long Melford, Suffolk.
Vestry Bk. .	Vestry Book of Churchwardens' Accounts, in Clare Church safe.

Clare is situated in the south-west corner of Suffolk, in the valley of the Stour River. At the present day it is only a village, for its market is no longer held ; yet its history shows that in earlier times it was of considerable importance, especially during the medieval period, when it was a favourite residence of the Clare lords. The town then had a busy market and a flourishing cloth-making industry ; and at one time it seemed possible that Clare might attain full development as a borough, possessing as it did some burghal characteristics. In the following pages it is proposed to study in detail the history of Clare as a seignorial borough during the Middle Ages, and its subsequent development.

Little is known of the early history of Clare until the end of the Anglo-Saxon period, when the town was of sufficient importance to have its own market [1]; and already some fortifications may have been built, on account of the position of Clare on the southern border of the East Anglian kingdom.[2] No MS. materials, however, have been discovered for this period, and the Domesday Survey provides the first valuable evidence of the town's history. After the Norman Conquest, Clare town and manor, together with some one hundred and seventy English lordships, were given to Richard fitz Gilbert of Bienfaite.[3] At some later date Clare became the "caput" of the Honor of Clare, which included lands in Suffolk and the neighbouring counties, and thus the town would be important in the eyes of its lords as the administrative centre of their lands. The Honor passed in direct descent [4] to the successors of Richard of Bienfaite; and when the male line of the Clare family ended with the death of Gilbert, ninth Earl of Gloucester, at the Battle of Bannockburn, Elizabeth de Burgh succeeded to the Clare lands. At the end of the fourteenth century, the inheritance passed to the Mortimer family; and with the accession of the Yorkist king, Edward IV, Clare Honor became a crown possession, as it has since remained.

In the history of Clare borough, there are three clearly defined periods. The first, from the time of the Conquest until the end of the thirteenth century, is one during which there is little distinction between town and manor, and unfortunately there are but few records for the period. For the last two centuries of the Middle Ages, however, there are abundant MS. sources, some of which are invaluable in throwing light on the position of the seignorial borough throughout this second period. To complete the study of the borough, it is proposed to give a brief description of the town's history during the sixteenth and seventeenth centuries.

[1] *Dom. Bk.*, II, f. 389 b.
[2] *V.C.H. Suff.*, I, p. 595.
[3] *Ibid.*, I, p. 397.
[4] See appendix, pp. 112–115.

Before going into the details of the Clare records, it is necessary to speak shortly of the general line of borough development in England. We are not so much concerned with the origins of boroughs before the Norman Conquest, but rather with the great increase in the number of so-called boroughs after that time. The Norman lords were quick to recognise the value of urban centres ; and they were ready to give privileges to a number of small towns which seemed to be capable of development in trade. As has been suggested, " A lord created a *liber burgus* if he abolished villein services, heriot and merchet, and instead thereof took money rents. . . . Moreover, he might allow his tenants, his *burgenses*, to farm the court, to farm a market bestowed on him by the King, and to elect a bailiff." [1] Clare is a good example of such a seignorial borough : it had had a market before the Conquest ; and the Domesday Survey adds that later it possessed forty-three burgesses.[2] These burgesses may be new-comers, as Maitland suggests, or a new idea may be gaining ground, " that if men engaged in trade or handicraft settle round a market-place and pay money-rents to a lord, they will be called burgesses though the town is no national fortress." [3]

It is natural that with this great increase in the number of boroughs after 1066, there is the utmost diversity among them. At the head of the scale stood the royal boroughs which were already securing privileges by means of charters. At the other extreme, the title of borough was given to small pieces of land, cut off from the surrounding manor, and having a few privileged inhabitants.[4] There was much uncertainty in the use of the word " burgus," and this fact is a serious obstacle in discussing the early history of any so-called borough. It is true that certain common features distinguished most boroughs ; the borough had its market

[1] F. Pollock and F. W. Maitland, *History of English Law*, I, p. 640.

[2] *Dom. Bk.*, II, f. 389 b.

[3] F. W. Maitland, *Domesday Book and Beyond*, p. 214.

[4] E.g. Eynsham ; cf. A. Ballard, *British Borough Charters*, 45, 68, 74, 157.

and fair, its borough court, and burgesses holding by burgage tenure. Yet it seems almost impossible to decide what has been termed "the lowest degree of privilege . . . which would make a township no mere township but a borough."[1] A wide definition has to suffice for this early period, when the medieval borough was "an area in which the tenements were held by low quit-rents in lieu of all service, and were more or less freely transferable by sale, gift and bequest. . . ."[2] In this wide sense of the word, Clare was a borough; yet it never attained later recognition as such; and the interest of its development is in discovering how it could possess the characteristics of a borough, and yet not attain burghal rank.

It was during the thirteenth century that the real distinction is most clearly seen between the important boroughs and the large number of so-called boroughs which came into existence after the Conquest. The difference between the two classes was based on practical issues. The market towns must have found themselves unable to cope with the increasing demands made on boroughs, as distinct from market towns, which, for example, sent four, whereas the boroughs sent twelve men, to meet the justices in eyre at their visitation: and after 1252, while the boroughs were ordered to set a night watch of twelve men during a part of the year, other vills (and this probably included the smaller boroughs) set only four or six.[3] Again, there was uncertainty when the boroughs were summoned to send representatives to Parliament; at first the numbers varied from one Parliament to another; and when, in 1316, the sheriffs were ordered to make lists of vills and boroughs (which returns are known as the *Nomina Villarum*), there was still much vagueness. Finally, however, the summons to Parliament lessened the number of boroughs, many of which were unable or unwilling to pay the costs of their representatives.

[1] Pollock and Maitland, *op. cit.*, I, p. 640.

[2] J. Tait, *Study of Early Municipal History in England*, p. 14 (*Proc. of British Academy*, Vol. X).

[3] *Ibid.*, p. 15.

It is most probable that, during the fourteenth century and later, contemporary lawyers and others would distinguish clearly between boroughs and market towns, although many of the latter might have borough characteristics ; and the lawyers would doubtless base their decisions on the kind of public duties actually performed by each town. We shall see later the importance of a contemporary inquisition in the case of Manchester [1] ; and if Clare had been the subject of such an inquisition it would have been adjudged a market town, and not a borough.

We can now turn to a more detailed study of the position of Clare as a seignorial borough. The first record of importance is the Domesday Book, wherein Clare is described simply as a manor, containing twenty-four carucates,[2] which was large in size as compared with the average Suffolk manor. Clare manor was more extensive than the present-day parish, for it included, in addition to the hamlet of Chilton towards the north, a part of the neighbouring village of Stoke. (In later records the manor is described sometimes as that of Stoke and Chilton, and sometimes as Erbury Manor. [3])

The most important reference in Domesday Book for our purpose is that which relates to urban life at Clare : " Semper unum mercatum, modo xliij burgenses." [4] In all probability the Norman overlord was attracted by the prospects of a small town, already possessing a market, and perhaps fortified, and he may have given burghal privileges to a number of freemen for the purpose of advancing trade ; but the Clare burgesses may have been introduced as castle builders or craftsmen from abroad.[5]

Between the date of the Domesday Survey and the middle of the thirteenth century, great changes must have

[1] See below, p. 103.

[2] These were most probably taxative, not real carucates ; cf. *V.C.H. Suff.*, I, p. 357.

[3] Cf. B.M. Add. Chart., 1288 ; copy of Ct. R. of Erbury, alias Stoke cum Chilton, 1627.

[4] *Dom. Bk.*, II, f. 389 b.

[5] Cf. M. Bateson, *Eng. Hist. Rev.*, XVI, p. 340.

occurred ; for in the first extant Inquisition Post-Mortem made in 1262, on the lands of a Clare lord,[1] and in all later records, Clare manor and borough were treated as distinct territorial units. There are unfortunately few records for the earlier period ; no charter or grant has been found whereby privileges were given to the inhabitants by their overlord ; and we can only conjecture that, during the two centuries after the Conquest, a small town was growing up around the earthworks of the castle at Clare.

It is known that the Clare lords were sometimes in residence at the castle, which was doubtless a convenient centre for the hunting over the wide tract of land in south-west Suffolk, which is still only sparsely inhabited.[2] Thus in 1222, Henry III gave order for the payment of his messenger who was travelling to the Earl of Gloucester "*usque Clare.*" [3] The castle was likewise used as a royal residence during the minority of an Earl, or when the lands were forfeited for a period. Henry III several times tested letters there [4] ; and his son most probably stayed in the castle when he was hawking on the Stour River near Clare.[5] The fourteenth-century accounts, especially those of Elizabeth de Burgh, give many details of the extent of the castle buildings, and of the activities there when a lord was in residence. It may be added here that the Clare lords showed much interest in the House of Austin Friars which had been founded by Richard of Clare, seventh Earl of Gloucester, in 1248 [6] ; it was the first House of its kind in England, and is often described as the mother-house of the Austin Friars in this country.

When we turn to the first Inquisition Post Mortem on the lands of the same Richard of Clare, who died in 1262, we find definite information of Clare borough. Twelve inhabitants said on their oath

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[1] See below, p. 89. [2] *Suff. Inst.*, XVIII, p 241.
[3] *Rotuli Litterarum Clausarum* (*Rec. Com.*), I, p. 493a.
[4] *C.C.R.*, Hen. III, Vol. I, p. 200 ; Vol. III, pp. 210–11, etc.
[5] *Ibid.*, Ed. I, Vol. III, p. 518. [6] *V.C.H. Suff.*, II, pp. 127–9.

" quod redditus burgi est per annum sexaginta decem solidi et tres oboli. Consuetudines quas facere debent pro exsiamentis super dominicum extenduntur ad dimidiam marcam ; mercatum cum stallagiis interioribus et forinsecis et cum tolneto mercati et nundinarum de Wantesford,[1] extenduntur ad decem libras, et perquisita burgi cum visu franci plegii extenduntur ad quadraginta solidos. . . .

(Summa, xvl. xvjs. ixd. ob.) "[2]

This is the first definite reference to the borough rents ; but the great interest of this Inquisition is in the trace which it shows of manorial dues from the inhabitants of the town, taking the form of works upon the demesne. These dues are not mentioned in the next Inquisition of 1295, and must be the last vestige of the agricultural work done by the townsmen. For the rest, we can picture a small rent-paying population, already concerned with industry rather than with the land, so that the chief profits of the lord came from the markets and fairs. There was a separate borough court ; and although no mention is made of borough officials, we hear of two bailiffs of Clare borough in a Ministers' Account of 1273.[3]

Later Inquisitions Post Mortem give similar information ; but they show that it is wrong at this time to speak at all definitely of the " borough," since that title is used equally with that of " town " to describe Clare. This is seen clearly in the Inquisitions, which are also valuable as indicating changes in the profits of the lord from the borough. In the Inquisition of 1295, after the death of Gilbert the Red, the tolls of market and fair are valued at vjl, and, with the rents and perquisites of the court, make a total of xijl xs.[4] At the death of Joan of Acre, in 1307, the lands which she and her husband, Gilbert of Clare, had held, were surveyed ; and in the Inquisition it was said

" quod iidem Gilbertus et Johana tenuerunt villam de Clare de

[1] There is now a Wentford farm on the road between Chilton and Poslingford.
[2] Inq. p.m., C. Hen. III, F. 27 (5), m. 28.
[3] Mins. Acct. 1109/12.
[4] Inq. p.m., C. Ed. I, F. 77 (3), m. 19.

domino Rege in capite . . . sunt ibidem lxxx libere tenentes qui reddunt per annum lxxiiij s. ob. . . . Dicunt eciam quod exitus fori ut in theolonio et . . . (illeg.) per annum c s. Item nundine de Wanteford . . . xx s. Item placita et perquisita curiarum cum leta valent per annum xxx s. Summa, xj l. iiij. s. ob." [1]

The last Clare of the male line was killed in 1314 ; and at the Inquisition after his death it was sworn that the toll of the town (*ville*), and the fair, amounted to £4 ; the rents of assize were 60*s*., and the perquisites of the courts 50*s*., totalling £9 10*s*.[2]

It is seen, then, from these Inquisitions, that the rents remained almost stationary at £3 10*s*. The market tolls and fair were treated together ; at no time were they valued so highly as in 1262, when they were said to be worth £10 ; generally they were about half that amount. The perquisites of the courts varied from 30*s*. to £3 ; and the total revenue varied in a similar way, although it was usually about £10. It has to be remembered that the Inquisitions were the verdicts of a sworn jury of the inhabitants, after a lord's death, and that the information given can only have been a general statement, which fact may account for some obvious discrepancies in the Inquisitions. Yet the earlier Inquisitions are of value, since, in the absence of other records, they give details of the borough revenue.

The distinction made in the Inquisitions between manor and borough continues in all later records ; and we can only conclude that at some time after the Conquest a Clare lord cut out of the manor a piece of land which was probably divided among certain tenants at burgage tenure.[3] We are left uncertain, however, of the size of the borough, nor have any early maps or extents, either of the manor or borough, been discovered. From medieval documents, and especially the Court Rolls, the borough seems to have covered a small

[1] Inq. p.m., C. Ed. I, F. 129, m. 42.
[2] *Ibid.*, C. Ed. II, F. 42, m. 2 (1).
[3] Cf. Eynsham ; see above, p. 85, note 4.

area, bounded on the east by the castle bailey, by the open manorial fields on the west and north, and by the river Stour on the south.

There are two main series of MSS. from the beginning of the fourteenth century, for the medieval and the later periods. Most important are the Court Rolls. Those for the borough start in 1312, and continue with few gaps into the sixteenth century, and indeed, although later in a different form, until 1833. The manorial rolls are fairly complete from the beginning of the fourteenth, until the end of the sixteenth century. The value of a continuous series of Court Rolls cannot be over-estimated ; and they can be compared with, and augmented by, the second series of MSS., namely the Ministers' Accounts. Of these there are many for Clare Honor, not only for the years when the lands had escheated to the Crown during the wardship of an heir, but also when the Clare lords were in actual possession.

The courts of the Honor, as well as those of manor and borough, were held at Clare, probably in the moothall, although there is no reference to such a building until 1481, when the tenants of a stable under the moothall had left their manure against the pillory.[1] Apparently a dwelling-house had earlier been taken as a meeting-place for the courts, as in the accounts of 1398–9 was entered the loss of rent of a messuage, once belonging to Robert Bultel, " ubi domus pro curia domini situatur, per annum . . . xvjd."[2] The moothall was at the south end of the market, as seen from an examination of the deeds of a small house still standing.[3]

We are here concerned only with the records of the borough court, held every three weeks. Besides the ordinary courts, which dealt chiefly with pleas of debt and trespass, the transfer of lands, and the keeping of the peace, two leets were held in the spring and autumn of each year. In

[1] Ct. R. 203/72, Hock Tuesday, 21 Ed. IV. [2] Mins. Acct. 994/10.
[3] Deeds in the possession of Mr. H. Deeks, Clare.

the *Hundred Rolls*, the Clare lords are described as having gallows, and possessing the assize of bread and beer in the town [1]; and much leet business concerned the presentment of those (generally women) who had baked and brewed "contra assisam." Apart from this, the chief work of the leet was to see that all men were in their tithings.

At Clare, as in other towns in the eastern and midland districts, the tithing represented a group of ten or more men above the age of twelve years; and the Clare Court Rolls throw some light on the tithing system. The chief pledges attended the court leet, and made presentments; and without fail they paid yearly a common fine of ten shillings on behalf of the borough to its lord. This custom has been commented on by modern writers, one of whom suggests that the fine may have been a payment to excuse all the suitors except the capital pledges from appearing at court. A further suggestion is that the fine was instituted to pay for the lord's leet, whereby the inhabitants were saved from attending the sheriff's tourn.[2]

References to the common fine in the Clare records suggest that it was paid by the capital pledges in order to excuse the rest of the tithing from attendance; thus, at the end of the Middle Ages, in a leet court of the manor the chief pledges presented the fine (in this case it was one mark), "pro se et decenis suis ex antiqua consuetudine."[3] The heads of the tithings seem to have collected the money from their tithingmen, for in 1481, John Hert was accused of insulting the chief pledge when he was collecting the common fine.[4] This may account for a complaint made by one Robert de Pistua in 1319, who had been elected in the leet to take the place of a capital pledge who had died; Robert asserted that he had lost two pence for each of his tithingmen, who had been taken over into another tithing by a chief

[1] *Hundred Rolls. Rec. Com.*, II, p. 199b.

[2] S. and B. Webb, *Local Government: Manor and Borough*, I, pp. 22–3, note.

[3] Ct. R. 213/70, Hockday, 1 Ric. III.

[4] *Ibid.*, 203/36, Hock Tuesday, 21 Ed. IV.

pledge.[1] It is possible that, in time, the fine was apportioned among the lands of the suitors of the court ; and this would explain the case of one George Fenn, who was accused of detaining four pence from the queen's common fine for his lands.[2]

It is interesting to compare the amounts of the common fine made to the same lord in the neighbourhood of Clare. The fines of one mark and of ten shillings for Clare manor and borough have already been mentioned. Sudbury paid the highest fine of one pound. The manor of Stoke-by-Clare contributed ten shillings, as did the manor of Hundon, although in the latter case Hundon itself gave five shillings, and the remaining sum was divided among three small villages.[3] Thaxted, in Essex, paid five shillings, and the small manor of Clarethall in Ashen (about two and a half miles from Clare) contributed only four shillings.[4] It is most probable that these fines were originally made by the lord to cover the expenses of his leet.

The general impression given by the rolls of the borough court is that the lords, possessing the smaller franchises and leet jurisdiction, had, through their officials, much control over the daily life of the people. No man might depasture his cattle in the lord's meadow, especially in the castle bailey. The rights of fishing in the lord's pond were jealously guarded. All had to grind at the lord's mill ; and in 1330, Walter Drabbe and John Couherde were distrained to answer the Lady of Clare, "de eo quod molant alibi quam ad molendinum domine."[5]

The supervision of the overlord can best be seen during those years when Elizabeth de Burgh was living for a part of the year at the castle until her death in 1360. The accounts then show that there was greater activity in building and repairs than ever before. There was work in

[1] *Ibid.*, 203/39, F. of St. Laurence, 13 Ed II.
[2] *Ibid.*, 119/1841, 15 April, 31 Eliz.
[3] Farley, Chilborne and Stradishall.
[4] These figures are taken from the Ct. R. 213/70, *passim* (1483–4).
[5] Ct. R. 203/40, Tues. after F. of St. Lucy, 4 Ed. III.

abundance for carpenters on the gates and bridges, for sawyers in cutting down trees in neighbouring woods and in Hundon park, and for other workers in the chapels, storehouses, and towers of the castle itself.

When we come to consider what actual freedom the town enjoyed, we are led to examine in greater detail some of the characteristics which Clare had in common with other boroughs. From 1310 until the nineteenth century, it is possible to make out a fairly complete list of bailiffs, constables and aletasters of the borough, as distinct from the manor, of Clare. The chief duty of the aletaster was to supervise the assize of bread and beer, and to see that all men sold by correct weight, according to the statute. These officials frequently neglected their duties, and, for punishment, had to serve in the same capacity for another year.

The first mention of the office of constable at Clare is in 1385, and soon after that date two constables are elected yearly in the leet. In 1431 they are described as "constabularii pacis"; and in the Court Rolls they have to be distinguished from the constables of the castle, who were among the chief officials of the lord. There is, however, little information of the activities of the constables during the medieval period, when it is the office of bailiff which is all-important.

Bailiffs are the chief officials in the history of the early development of many boroughs, and an examination of their duties may throw light on the position of the town. At first the bailiffs were simply the lord's officials. In a court of 1312–13, one Peter Pope was ordered to reply for some transgression to the lord "et ballivis suis."[1] Six years later these officials are described as bailiffs of the borough, and that comes to be their usual title; yet for many years they continued to be subservient to the overlords. In the middle of the fourteenth century, the bailiffs neglected to arrest a woman stranger; and in consequence

[1] Ct. R. 203/38, Tues. after F. of the Annunc. B.V.M., 6 Ed. II.

they were deprived of office and each was amerced £10.[1] It is interesting to notice how the bailiffs came gradually to represent the rest of the inhabitants : at the end of the fourteenth century there is the first instance of the bailiffs' witnessing a transfer of land,[2] after which time they frequently witnessed leases in their official capacity. At the end of the medieval period they had come to be identified with the town in its efforts to obtain more freedom ; but it is necessary to trace definite steps in this development, and we may begin by examining how the bailiffs were elected.

In the Court Rolls there are varying descriptions of these elections. Sometimes the " tota communitas," sometimes " tota villata," chose the bailiffs. In 1331, however, " Omnes burgenses burgi de Clare " elected the two bailiffs ; two aletasters were chosen in a similar way, as well as two inhabitants to guard the liberties of the town from forestallers and victuallers [3] ; and in later times the bailiffs were generally elected by the burgesses.

We have here to consider the question, what was the burgess body, and who formed the borough court ? Throughout the medieval period, apart from the reference to the forty-three burgesses in Domesday Book, there is no mention of a definite number which can compare, for instance, with the thirteen burgesses of Burford.[4] In an Inquisition after the death of Joan of Acre in 1307, eighty free tenants are described as paying 74*s.* 0½*d.* in rent [5] ; but, although there may have been an increase in the number of burgesses after Domesday, these tenants most probably do not represent eighty burgage tenures. Already there may have been some division of tenements ; and there is evidence elsewhere to suggest that the body of burgesses was both small and select.

[1] *Ibid.*, 203/48, March 1, 25 Ed. III.

[2] Lease in church chest. Date is torn (anno 15⁰ . . .), but the inclusion of certain names, etc., prove that it is temp. Ric. II.

[3] Ct. R. 203/41, Tues. before F. of St. Luke, 5 Ed. III.

[4] R. H. Gretton, *Burford Records*, p. 13.

[5] Inq. p.m. C. Ed. I, F. 129, m. 42.

From the Court Rolls it is clear that all freemen were not *ipso facto* burgesses, for the right to act as a burgess was specially granted by the lord in his court. A study of the admissions of burgesses shows that they were concerned only with trading privileges. As early as 1313, one Henry Alured paid a fine of half a mark to the lord " pro libertatibus ville habendis ut sit stalagiarius . . . secundum antiquam consuetudinem."[1] Various strangers sought to be admitted: John le Parker of Redeswelle (Ridgwell, Essex), " mercator," paid twelve pence in 1318[2]; a smith from Hintlesham, near Ipswich, gave a fine of 3*s.* 4*d.*, in 1359; and in the same year " John le Taillour de Wallia " paid 2*s.* to be admitted.[3] Naturally most petitions came from traders in the neighbourhood, notably from Stoke and Hundon. The fine was arbitrary, varying from twelve pence to half a mark.

There was, then, a select number of burgesses, who could enjoy market rights; and all others were jealously excluded from such privileges. In 1346, Richard Rogeroun was ordered to show by what right he acted as " liber infra burgum "[4]; but later he was allowed to pay 2*s.* fine that he might buy and sell without let or hindrance from the bailiffs. The admissions of burgesses are mentioned with some frequency in the fourteenth-century Rolls, but in the next century they cease. The reason for this will be discussed when the market is described more fully.[5]

The importance of the trading element which is here indicated may account for a few references to a market court. In 1343–4 the bailiffs of the borough were ordered to account to the Lady of Clare for the small sum of 8*d.* from the pleas of the market court (*curia fori*), from the Feast of St. Clement (Nov.), until that day (Jan.).[6] In the succeeding courts, the pleas of this market court are entered

[1] Ct. R. 203/38, Tues. after Ascension, 6 Ed. II.
[2] *Ibid.*, F. of Beheading of St. John the Baptist, 12 Ed. II.
[3] *Ibid.*, 203/55, March 19, April 9, 33 Ed. III.
[4] *Ibid.*, 203/45, F. of St. James, 20 Ed. III.
[5] See below, pp. 100–1.
[6] Ct. R. 203/44, after F. of Epiphany, 18 Ed. III.

and added to the total sum of the borough court ; the fines are small, never amounting to more than a shilling.

From these and similar references, the market court, like that of the borough, is seen to be in the hands of the overlord ; it is probable that the bailiffs held a special court to deal with trading disputes, so that summary justice could be obtained in the market as well as in the fairs ; and this may account for various references in the Court Rolls to a "lex mercatoria."[1] The market court would thus be granted by the lord for the convenience of traders ; but from the small amount of its fines, most cases would seem to be dealt with in the ordinary borough court. When the burgesses farmed the market, they may also have obtained control of the market court.[2]

Apart from the trading privileges of the burgesses, their exact status is uncertain. They alone did not control or form the borough court, for it is seen from the Rolls that all tenants as well as burgesses were bound to attend. Much of the business of the courts concerned the transfer of land ; for although the lands were held by money rents and not by services, the lord exacted a fine when some of the tenements changed hands. All encroachments by free tenants were fined : in 1344 and for some years following, complaint was made against those tenants who had encroached upon the lord's ditch around the castle.[3]

We can best see, however, the status of those who formed the borough court from a Roll of 1361, when Lionel of Clarence (then Earl of Ulster), who had married the granddaughter of Elizabeth de Burgh, succeeded to the Clare lands. At the View of Frankpledge, held in the spring of that year, homage was paid to the new lord ; and nineteen tenants, mentioned by name, "Fecerunt fidelitatem separatim et cognoverunt quod tenent de domino tenementa sua per certa servicia."[4] In the same court, all tenants and

[1] *Ibid.*, 203/40, F. of St. John Evang., 2 Ed. III.
[2] See below, pp. 100–1. [3] Ct. R. 203/45, /46, /47, *passim.*
[4] *Ibid.*, 203/57, April 13, 35 Ed. III.

burgesses were distrained to appear, in order to pay their homage. The rest of the story is interesting; for in the next court "Omnes tenentes burgenses de Clare dant domino comiti Ulton' de recognicione de primo adventu suo, xiijl. vjs. viijd."[1] This was a large sum, as compared with the £4 given to Roger d'Amory when he succeeded to the lands earlier in the century[2]; and the increase must represent a proportionate change in the wealth of the burgesses; but the interest here lies in the fact that the fine was paid by the burgesses alone. All the free tenants received a separate order to appear at the next court to render homage; and the same injunction is repeated in the three succeeding courts.

From these instances, it is clear that the tenants as well as, and as distinct from the burgesses, attended the borough court; but the presence of the free tenants was not necessary for the election of the borough officials. This is seen particularly well in the following entry. At the general court held on Nov. 12, 1431, the capital pledges (in this case) elected bailiffs, constables and aletasters. John Benyte, however, one of the bailiffs thus elected, did not take up his duties; and at the next court two others were chosen, for which purpose all the burgesses were summoned who "per advisamentum et eorum discrecionem," nominated the new bailiffs.[3]

We have yet to discover if the burgesses developed any consciousness as a body. During the Middle Ages there are few examples of the corporate life of the town; it had, for example, no common seal or regalia. Yet throughout this period, there was a possibility that Clare, having some burghal characteristics, might attain the final stage of development and come to have its own Mayor and Corporation. Apart from instances in the Court Rolls when the whole community was amerced for some delinquency, there

[1] Ct. R. 203/57, May 4.
[2] *Ibid.*, 203/38, after F. of St. Katherine, 11 Ed. II.
[3] *Ibid.*, 203/68, Nov. 25, 10 Hen. VI.

is an interesting reference to a grant of land made to the bailiffs as representatives of the whole town. The transaction took place at a court held in March, 1344–5 [1]; but there is a more complete description in the Ministers' Account of that year [2]:

"De ballivis et communitate de Clare de novo redditu pro una placea terre in Goseford,[3] que prius dimittebatur Ricardo de Gaiesle, fabro, pro xijd; qui illam sursum reddidit in manus domine, et modo dimittitur ballivis qui pro tempore fuerint et communitati perdicte; ut amodo non edificetur, ad terminos usuales, hoc anno primo, xviijd."

There is a reference in 1380–1, showing that the bailiffs and community were still in possession [4]; but after that time it is not known if the lease was held by the town.

Up to this point the study of the borough has been taken from the internal side, by examining the status of bailiffs and burgesses. There is, however, the external aspect, as to how the borough was treated by its lords, which is especially interesting from a financial standpoint. The Inquisitions Post Mortem of the fourteenth century show that there was little change after the Inquisition of 1314, which has been mentioned.[5] At the death of Elizabeth de Burgh in 1360,[6] and nine years later after the death of Lionel of Clarence,[7] the market was valued at £5, and the fair, courts, leets and rents were together said to be worth £5. In 1381–2, at an Inquisition on the lands of Edmund Mortimer, the next heir, the town revenue was estimated at £8; the details varied somewhat, the market being worth £3, the fair, courts and rents also £3, while a water mill was entered at 40*s*.[8]

At the death of the next Mortimer, Roger, Earl of March,

[1] *Ibid.*, 203/44, after F. of St. Gregory, 19 Ed. III.
[2] Mins. Acct. 993/7.
[3] Gosford Street, now Callis Street, at the north end of the town.
[4] Mins. Acct. 994/2.
[5] See above, p. 90.
[6] Inq. p.m., C. Ed. III, F. 152 (5), m. 18.
[7] *Ibid.*, C. Ed. III, F. 208 (4), m. 14.
[8] *Ibid.*, C. Ric. II, F. 20 (1), m. 32.

there was a peculiar change ; for the only details in the Inquisition were those of the market, worth £3, and the fair valued at 20*s*.[1] One other Inquisition, made after the death of Edmund Mortimer in 1425, must be mentioned. Here the town rents are given at 60*s*., and the pleas of the courts, 30*s*. ; the remaining entry is important : " Item, dicunt quod sunt ibidem de feodi firma fori de Clare per annum sex libre, sic dimissa Burgensibus."[2]

This farm of the market marks the conclusion of one stage in the history of the borough. The characteristic privilege of the burgess was that he could trade freely in the market ; and to obtain the farm of the market would be the first great aim of the townsmen ; when once the farm was granted, the bailiffs, as officials of the borough, would be drawn to act more on behalf of the burgesses than of the lord, in the many cases of trading disputes.

When we turn to the Ministers' Accounts, there is more information about the farm of the market, but this evidence does not tally with that given in the Inquisitions. In the Accounts the farm can be traced back to the fourteenth century ; indeed, it is mentioned in 1325–6,[3] and again in 1344–5, when the entry is " De firma fori, per annum vjl."[4] In the last three decades of the century the farm is entered regularly ; and in an account of 1398–9, it is spoken of in clear terms : " et de vj libris pro feodi firma fori de Clare sic dimissa Burgensibus eiusdem ville per annum."[5]

This divergence in the information given by the Inquisitions and the Accounts can be explained when the different purpose of each set of records is considered. An Inquisition on a lord's lands was taken from the sworn verdict of a local jury ; and often there was a long interval between one Inquisition and another. The Ministers' Accounts, on the other hand, were drawn up in detail by the officials of boroughs and manors, and given to the Receiver of the

[1] Inq. p.m., C. 22, Ric. II, F. 104, m. 34.
[2] *Ibid.*, C. Hen. VI, F. 19, m. 18.
[3] Mins. Acct. 992/15. [4] *Ibid.*, 993/7. [5] *Ibid.*, 994/10.

Honor, by whose own accounts they can be checked ; and it seems safe to take the details of the Ministers' Accounts as true. In all likelihood, the farm of the market was leased for a year at a time, as in 1325, and then for several years there was a return to the older arrangements ; but at least after 1370 the farm was paid regularly.

This conclusion is substantiated by the Court Rolls. During the fifteenth century there are no entries of the admissions of burgesses, and references to the market are comparatively few. We know that industry was developing at this time, the Clare clothiers showing greater enterprise in ventures abroad than at any other period. (Towards the end of the century John Tryklowe of Clare was in partnership with a merchant of Biscay, and was shipping from the port of London woollen cloth valued at one thousand marks, to be taken to Spain.[1]) In view of such evidence, then, the lack of references to the market at this time must be due to the fact that it had become the concern of the burgesses and not of the lord. An account of 1404–5 mentions new rents of 5*s.* 9*d.* for stalls, " preter certas stallas infra feodi firma fori inferius." [2] That is, the lord retained the right of leasing out new stalls, and would allow no new encroachments in the market without the payment of fines, but the older rents went to the burgesses. Similarly the townsmen may have controlled their trade by means of the special market court, which has already been discussed,[3] but of which there are no details during the fifteenth century.

At the end of the fourteenth century, then, there was every opening for the future development of the borough, for Clare had advanced in line with other seignorial towns. Sudbury, a prosperous market town about nine miles from Clare, was still paying separate dues to the Clare overlord at the end of the Middle Ages ; these dues included rents of assize, the rent of a mill, and separate pleas of court. The Sudbury market had been farmed for £10 a year, and there

[1] P.R.O. Early Chan. Proc. 62/419. 1480–3.
[2] Mins. Acct. 994/12.
[3] See above, pp. 95–7.

were small farms of stalls, and of fishing rights, for example ; but this was not the same as a general farm of a town, when a sum of money was paid yearly in lieu of the various sources of revenue. The small boroughs of Thaxted and Bardfield, both in the same neighbourhood and under the same overlords, were paying small sums for their market tolls and rents, but in all other details were treated on a line with the manors.[1]

Yet it was during the fifteenth century that Clare lost its most favourable opportunity of obtaining any additional freedom from its overlords. In the first place there was no further development of the market farm. As there are no Ministers' Accounts during this century, we have to examine the Accounts of the early sixteenth century, in order to see what changes had occurred. In 1503–4, the burgesses were allowed £5 from the payment of the farm ; and reference was made to a grant of Richard, Duke of York, who by letters dated Jan. 10, 17 Hen. VI, pardoned and remitted to the burgesses one hundred shillings of the farm, "propter paupertatem et inopiam."[2]

It is possible that this respite to the burgesses was a mark of favour from the new Yorkist lord, and that the words concerning their poverty were simply formal. Otherwise it is hard to account for the change ; for at this time the cloth-making industry was bringing prosperity to the town, and the burgesses could not have been desperately in want. It may be noted in passing that in the remaining Ministers' Accounts (until 1630–1) there was no change in the entry of the market farm, the remittance of £5 being always allowed.

It is convenient at this point to sum up the conclusions which have been reached in this sketch of the medieval borough. It is known that there was a body of burgesses, whose number is uncertain, but who were distinct from the other tenants. These burgesses elected the bailiffs and other

[1] E.g. Mins. Acct., Hen. VII, 1449 (1495–6), and Mins. Acct., Hen. VII, 1457 (1506–7), etc.

[2] *Ibid.*, Hen. VII, 1455.

officials in the court of the borough. The main privilege which distinguished the burgesses from other tenants was that of trading freely in the market ; and it follows that in obtaining the farm of the market the burgesses had won their first step towards freedom ; the farm, too, created a common interest between bailiffs and the burgess body, and by the end of the medieval period the bailiffs were coming to be identified with the borough.

We have here to face the question, did these characteristics constitute Clare a borough ? In the widest sense of the word, Clare can be called a borough, for it had burgage tenure, burgesses and a borough court ; but, as has been shown,[1] the contemporary view of what constituted a borough, itself changed during the Middle Ages. The position is seen more clearly if we compare the development of Clare with that of other towns ; and the case of Manchester provides a good comparison.[2] This town at an early date had been separated from the huge manor of the same name, and during the thirteenth century had various urban elements—a fair, a weekly market, burgage tenure and a borough court ; and in 1301 a valuable charter was granted to the townsmen. It is fortunate that Manchester was the subject of an Inquisition on the claim of Roger la Warr to hold the town as a borough and market town, for we have a verdict of contemporaries on what constituted a borough. The decision was that Manchester did not rank as a borough [3] ; so that its historian deduces that " In the fourteenth century a town might have borough tenure, burgesses and a borough court without ranking strictly as a borough " [4] ; and he suggests that Manchester and Salford were both excluded by the Commissioners from the list of boroughs in 1833, not because of any manorial ties, but because, in some way, they had not substituted a mayor and aldermen for the older officials.[5]

[1] See above, pp. 86–7.
[2] J. Tait, *Medieval Manchester*, Ch. II, pp. 42–59.
[3] *Ibid.*, p. 53. [4] *Ibid.*, p. 54. [5] *Ibid.*, p. 52.

There is thus a close comparison between Clare and Manchester during the fourteenth century. Both gained little independence from their overlords, whose stewards continued to preside over the borough courts. Both towns possessed many borough characteristics ; yet in neither case were the earlier officials superseded by a mayor and corporation.

It is worth comparing Clare with one other town more its equal in size, namely Burford in Oxfordshire.[1] This town was of no importance in Domesday Book, but soon after the Conquest it received a series of charters from its lords. During the fourteenth century Clare presents a clearer picture than does Burford, chiefly because none of the Burford Court Rolls have been preserved for this period. Yet in the next century the history of Burford shows far greater development. In the first place, the town from early times had possessed a Gild Merchant, which came to be identified with the burgess body. The importance of this cannot be overestimated when we consider that, apart from the borough court in the hands of the lord, there was a separate assembly of burgesses, governed by their own officials ; it was, in fact, a necessary preliminary for the later self-government of mayor and aldermen. At Clare there is nothing to compare with this Gild Merchant ; the only gilds of which details have been found were purely religious foundations.

Secondly, at Burford there were charity lands to be administered for the town as well as for the church ; and it was in this connection that the bailiffs came to work entirely for the townspeople. At Clare the Chantry lands seem to have been administered for ecclesiastical purposes only ; and it was not until the next century that the common lands were granted for the poorer tenants.

These comparisons are useful, as they help to show what was lacking at Clare, whereby its borough development was retarded. It has been seen that the town had grown

[1] R. H. Gretton, *Burford Records, passim.*

prosperous under the protection of the Clare lords; and, what is most important, the relations between the town and its overlords remained close throughout the Middle Ages. This is seen especially during the fourteenth century, notably in the case of Elizabeth de Burgh, who chose Clare castle as her chief residence for many years before her death in 1360. The Ministers' Accounts give a vivid picture of the activity at the castle during these years; and the Court Rolls of the same period suggest that the seignorial rights were even more carefully guarded when the Lady of Clare was in residence. Many disputes were settled independently of the borough court "per totum consilium domine."[1]

After the end of the Middle Ages, when the Clare lands became royal possessions, the tie between the town and its new lords did not weaken. The reason for this is undoubtedly the fact that Clare remained the centre of the administration of the Suffolk lands of Clare Honor; the steward of the Honor court was always present to hold the courts of manor and borough in the moothall, and he continued to preside as long as the courts were held.

When we consider these facts, it is clear that if the burgesses hoped to gain much freedom, they would have a hard task; but it is probable that they were content when they had obtained the farm of the market. They received no such training as did the Burford burgesses in their Merchant Gild; and in the absence of any such body outside the borough court at Clare, it must have been difficult to make any real progress towards freedom from the overlords. At the end of the Middle Ages, then, it was unlikely that Clare would develop into a borough in the modern sense of the word, although the final chance was not yet lost, as will be seen in its history during the sixteenth century.

For the sake of completeness it is proposed to continue the study of town development at Clare beyond the medieval period, for, in official records, it retained the title of

[1] Ct. R. 203/57, Oct. 7, 34 Ed. III.

"borough," and its court was described as that of the borough for the whole of its existence.[1] The bailiffs continued to be the most important town officials, but we no longer hear of burgesses. The history of the sixteenth and seventeenth centuries, however, can be dealt with more briefly than that of the earlier period.

While the Court Rolls and Ministers' Accounts continue, they are of much less value, their entries being altogether more formal and brief. Of far greater use are the records preserved in Clare church, together with the wills, which contain abundant information on every aspect of the history; and after 1612, when the Court Rolls appear in new form, there are yet more abundant sources.

When the lands of Clare Honor passed to the Crown, it would seem that the inhabitants of the town more easily might have obtained a favourable charter than at an earlier time when its seignorial lords had been wholly or partly resident. Sudbury, for instance, benefited in this way in 1553 when it received its most valuable charter from Queen Mary, in return for aiding her against the Duke of Northumberland, after which time it enjoyed all the rights of a corporate town, and sent representatives to Parliament.[2] The Clare townsmen, however, were content to obtain the grant of the manorial demesne for the town. The original grant was made by Katherine of Aragon [3]; and in a later confirmation by Philip and Mary, an interesting clause was inserted, whereby the poorer tenants, owning less than fifteen acres of land, were to be allotted summer and winter "walks" on the common lands, hitherto a part of the demesne.[4]

Before we notice the administration of these lands by officials on behalf of the town, other important grants may

[1] Until 1833.

[2] W. W. Hodson, *Short History of the Borough of Sudbury*, pp. 33–4.

[3] The original of this grant has not been found, but it must be between 1509 and 1534; cf. *L. and P., Hen. VIII*, I (1), p. 48; VII, p. 145. See Appendix.

[4] P.R.O. Patent Roll, 1 and 2 Ph. and M. 888, m. 3–5.

be mentioned. Of these the most interesting is the bequest of a clothmaker, George Whatlok, who in his will, made in 1539, arranged for the purchase of land of the yearly value of ten shillings, which was to be leased out by the churchwardens. "And I will that the said yerely ferme of xs. so comyng . . . shall yerely from thensforthe paye and discharge the hoole comyn fyne aswell for the deceners as for the hedborows then dwelling within the sayd towne of Clare." Which decenners on the leet day "shall Ring a solempne pealle with all the bellys in the stepill of the sayd towne of Clare." The churchwardens, sexton and ringers were all to be paid lest the bequest might not be carried out.[1] Finally Whatlok willed that the land was to be enfeoffed to twenty-four of the inhabitants of Clare in perpetuity.

It is interesting to notice that the object of the legacy was to pay the common fine, and thus relieve the chief pledges of the wearisome task of collecting a few pence yearly from their tithingmen.[2] Yet, however useful was Whatlok's intention, it is doubtful if it was ever properly carried out. In 1574, a similar bequest was made by Thomas Harvye of Chilton, yeoman, who left land of the yearly value of twenty shillings, twelve shillings of which was to be paid towards the common fine, as in the legacy of Whatlok, while the rest of the money was to be distributed among the poor people on each Good Friday.[3] It is known from the Accounts that the fine was paid regularly during the seventeenth and eighteenth centuries.

These legacies show that there was a body of townsmen in Clare who acted as feoffees for the administration of the town lands. This is seen still more clearly in another bequest at the end of the sixteenth century. In 1593, Edward Raynsforth left his lands and leases to his daughter Elizabeth ; but if she died without heirs, her portion was

[1] P.C.C. Dyngeley, 34. (Also Bury Will, XV, f. 37.) The Bury Will is transcribed in *Suff. Inst.*, I, pp. 187–90. Cf. Article, *ibid.*, pp. 278–85.

[2] See above, pp. 92-3.

[3] P.C.C. Pyckering, 10.

to be delivered into the hands of the "fower and twentith headborowes of Clare," who were to be feoffees thereof for ever, and were to administer the lands for the poor.[1]

These headboroughs seem without doubt to be the same as the chief pledges of the court leet. In a Court Roll of 1586, there is a list of the "Headborrowes and Jury for the Borrowe,"[2] whose names are nearly all the same as those in a list of capital pledges of a previous court. In the next century, there is a complete set of records of the Verdicts of the Headboroughs in their courts.[3] In these Verdicts most of the presentments are similar to those of a court leet. There are numberless complaints against inhabitants who had not scoured their watercourses, or who had "diged petts in the hye waye." Butchers are presented for killing openly in the streets, and for throwing their "paunches and offall" into public places; and bakers and brewers are continually being amerced for breaking the assizes of bread and ale. At the same time, the headboroughs on their own initiative formulated by-laws similar to those of a municipal council, as, for example, that no inmates might be received in the town without permission,[4] nor might freehold land be leased to anyone who had not been resident for at least three years.[5]

From the Verdicts alone it is tempting to suppose that the town had at last gained some kind of self-government; but other records show conclusively that there had been little change since medieval times. Stewards were still appointed to hold the courts [6]; and from records known as "Abstracts of Fines,"[7] it is clear that all amercements, however small, continued to be sent to the overlord.

[1] P.C.C. Dixy, 9.

[2] Ct. R. 119/1838, before Oct. 11, 28 Eliz.

[3] Book I of Verdicts, 1612–90, at Duchy of Lancaster Office. Loose papers of Verdicts, 1689–1813, at same Office. Book II, Verdicts, 1692–1833, at Office of J. O. Steed, Esq., Solicitor, Long Melford, Suffolk.

[4] Verdicts I, Oct. 12, 1613.

[5] *Ibid.*, after Ct. held Oct. 11, 1614.

[6] E.g. Jn. Poulter, deputy steward, 1701, for Sir Gervase Elwes, chief steward. *Ibid.*, loose papers.

[7] Duchy of Lanc. Office.

In addition to the work of the headboroughs in their court leet, there was another centre of administration at Clare. As a result of the local government reforms at the end of the sixteenth century the church Vestry of every parish had, in addition to its ecclesiastical business, been given extensive civil duties ; and in the Vestry Book of the Clare Churchwardens,[1] we are given many details of town administration. From the minutes of the Vestry it would seem that a small number of the chief inhabitants attended regularly ; and a comparison of their names with those of the headboroughs at this time shows that it was practically the same body of townsmen who made presentments in the leet, and who in the Vestry meetings acted for the inhabitants as a whole. The Vestry met always in Easter week, and sometimes additional meetings were held during the year, generally at one of the inns, or at the "Market howse chamber." The accounts of churchwardens, overseers, surveyors and constables were audited ; and the separate accounts give many details of the administrative work of the Vestry, and especially that of poor relief. There was a general supervision of the morals of the people, and a care for the well-being of the town ; and in addition the Vestry administered the town lands as well as those of the church.

At the beginning of the seventeenth century the grant by Philip and Mary of a part of the demesne lands to the poorer tenants was disputed, and appeal was made to the Court of Chancery.[2] The members of the Vestry meeting took the lead in the case, choosing an attorney for the tenants, whose expenses were paid out of the church rents. When a verdict had been given in favour of the poorer people, the Vestry took complete charge of the lands ; two wardens or receivers of rents were elected yearly ; a pinder was sometimes chosen to look after the lands ; and any profits were distributed among the poor people.[3]

There is an interesting parallel to the work of the chief

[1] 1595–1784. Kept in church safe.
[2] P.R.O. Decree Roll, 183.
[3] Vestry Book I, *passim*.

inhabitants at Clare in the court leet and vestry meetings, in the example of the Four and Twenty Headboroughs of Braintree in Essex, a town famous for its bay-making, and not far distant from Clare.[1] At their monthly meeting, the Braintree headboroughs transacted all the important town business; and they themselves usurped the chief offices, both ecclesiastical and municipal. The jury of the court leet was composed almost entirely from their number, so that the headboroughs could control the election of constables and other officials, as well as those chosen in the Vestry. This must have entailed a great deal of work, which the headboroughs do not seem to have shirked; but their oligarchical rule was regarded with so much jealousy that they were dissolved in 1716. Doubtless they had possessed far greater consciousness as a body than had the Clare officials. The headboroughs at Clare had no constitution to define their powers; and it was only as individuals, and not as a corporate body, that they were all-powerful in leet and vestry; yet probably for that very reason they continued to exercise authority until the nineteenth century.

In conclusion, we have to notice the actual division of town administration at Clare between the leet courts and the vestry meetings. At no time is there a clear definition of their powers, which often seem to have overlapped; and this must have led to some confusion, as when, for example, the Town Crier received orders both from the leet and the vestry; and both bodies formulated by-laws for the good government of the town.

The election of officials is characteristic of the division of powers between the leet and vestry. The churchwardens, overseers and surveyors were all elected in the vestry, and the two last were sworn by the Justices of the Peace. In the leet, the constables were chosen, and they similarly took their oath before the local Justices. Such officials as the aletasters and the supervisors of leather continued to be

[1] S. and B. Webb, *Local Government, Parish and County*, pp. 221–7.

appointed in the leet. The pinder, however, was elected sometimes in the vestry, and at other times in the leet.

Many of the orders made in the vestry were enforced by the leet ; thus, while the vestry supervised the common pastures, it was in the leet that men were punished for neglecting to repair their fences, or for making a pound breach. In the leet, the churchwardens might be presented for allowing the town houses to fall into ruin,[1] and the surveyors could be fined " for a Rail lying open to the Cock Ditch."[2] It is here that the main difference between the two bodies of administration can be seen : the court leet was mainly judicial ; it could punish by amercement, although we know from the Abstracts of Fines that the punishments were not always enforced ; but the leet had no share in controlling the town revenues. The vestry had the ordering of town as well as church lands ; it appointed collectors for the town rents, and audited the accounts of these, as well as of all other officials. It was the vestry which gave money to the constable for the repair of bridges, which set aside the contribution for Ship-money, and which ordered a collection to be made for the repair of the market cross.[3]

The vestry meetings continue to-day ; but, as a result of the local government reforms of last century, their powers of civil administration have been lost. The last court leet was held at Clare in 1832 ; and it was twice adjourned, for the purpose of supervising the enclosure of waste lands in one of the streets. There may have been some petition for the renewal of the court ; for among some odd papers in the Duchy of Lancaster records is a letter to the steward of Clare Honor,[4] in which letter the fate of the court was finally settled : " With Regard to the Court Leet formerly held for the Borough of Clare, the Court does not deem it necessary that the revival thereof should be required."

[1] Verdicts I, April 23, 1650. [2] Verdicts II, Oct. 14, 1760.
[3] Vestry Bk., I, *passim*.
[4] Duchy of Lanc. Office ; letter to Rolla Rouse, dated Nov. 12, 1757.

APPENDIX

Lords of the Manor and Borough of Clare.

Date.		Sources.
T.R.E.	Aluric, son of Wisgar, gave the manor to St. John.	*Dom. Bk.*, II, f. 389 b.
After 1066	Richard of Bienfaite.	*Ibid.*
		D.N.B.
?1090	Gilbert of Clare. Gave the church to Bec monastery.	*D.N.B.* Dugdale, *Mon. Angl.*, VI (2), pp. 1052–3.
?1115	Richard of Clare. Removed the cell to Stoke-by-Clare.	*Ibid.*
1136	Gilbert of Clare 1st E. of Hertford before 1141.	J. H. Round, *Geoffrey de Mandeville*, pp. 39, 271–3.
1152	Roger of Clare, 2nd E. of Hertford.	*D.N.B.*
1175	Richard of Clare, 3rd E. of Hertford. Married the Gloucester heiress.	
1217	Gilbert of Clare. 6th E. of Gloucester, 4th E. of Hertford.	*Ibid.*
1230	Richard of Clare. 7th E. of Gloucester, 5th E. of Hertford. In 1240, came into possession of part of his estates; in 1248, founded the House of Austin Friars at Clare.	*Ibid.* Inq. p.m. C. Hen. III, F. 27 (5). *V.C.H. Suff.*, II, p. 127.
1262	Gilbert of Clare (the Red). 8th E. of Gloucester, 6th E. of Hertford.	*D.N.B.* Inq. p.m. C., Ed. I, F. 77 (3).

Date.		Sources.
1295	Joan of Acre, widow of Gilbert the Red. She married, for the second time, Ralph de Monthermer, who was guardian of her son.	Inq. p.m. C. Ed. I, F. 129.
1307	Gilbert of Clare. 9th E. of Gloucester, 7th E. of Hertford. In 1307, came into possession of some of his lands.	*D.N.B.* Inq. p.m. C., Ed. II, F. 42.
1314–17	After death of Gilbert at Battle of Bannockburn, lands in possession of the King, who gave Clare Honor and castle to various tenants.	*Cal. Fine Rolls*, II, pp. 201, 210, 225, 313.
1317, May 22	Division of lands between the three sisters and co-heiresses of Gilbert; homage done by their husbands. Elizabeth, and her third husband, Roger d'Amory, inherited the Clare lands.	*C.P.R.*, Ed. II, Vol. II, p. 660.
1322, Nov. 2	Later forfeiture of d'Amory, but Clare lands restored to Elizabeth.	*C.C.R.*, Ed. II, Vol. III, pp. 603–4.
1322	Elizabeth de Burgh, Lady of Clare. Lived for many years at the Castle.	*D.N.B.* Inq. p.m. C., Ed. III, F. 152 (5).
1360	Lionel, E. of Ulster, later Duke of Clarence. Had married granddaughter of Elizabeth de Burgh.	*D.N.B.* Inq. p.m. C., Ed. III, F. 208 (4).
1368	Edmund Mortimer, 3rd E. of March. Had married Philippa, daughter of Lionel of Clarence.	*D.N.B.* Inq. p.m. C., Ric. II, F. 20 (1).
1381	Roger Mortimer, 4th E. of March.	*D.N.B.* Inq. p.m. C., Ric. II, F. 34.
1398	Edmund Mortimer, 5th E. of March. Restored to his estates, 1413.	*D.N.B.* Inq. p.m. C., Hen. VI, F. 19.

Date.		Sources.
1425	Richard, Duke of York. Wardship, 1425–32. Had married Cicely, daughter of Anne Mortimer.	*D.N.B.*
	The Clare lands may have been forfeited already in 1456, when the borough court was described as that of Thomas, Archbishop of Canterbury, and other feoffees.	Ct. R. 203/70, after F. of St. Luke, 35 Hen. VI.
1459, Dec. 20	All lands forfeited; grant of 1,000 marks to Cicely; and Erbury (Clare) manor, etc., to John, Bishop of Hereford, and eight others.	*C.P.R.*, Hen. VI, Vol. VI, p. 542.
1460	Edward IV; but in first year of reign, grant of Clare lands to his mother, Cicily of York, who remained in possession until her death.	*C.P.R.*, Ed. IV, p. 131.
		Ibid., Hen. VII, Vol. I, pp. 127, 142, 160.
1495	Henry VII. Grant of lands to wife, Elizabeth (*d.* 1503), after death of Cicily.	*Ibid.*, p. 370.
1509	Henry VIII. Grant of Clare lands to Katharine of Aragon, 1509.	*L. and P.*, Hen. VIII, I (1), No. 94 (35), p. 49b.
	Anne Boleyn. 1534.	*Ibid.*, VII, No. 352, p. 145.
	Anne of Cleeves. 1540.	*Ibid.*, XV, No. 144 (2), p. 51b.
	Katherine Howard. 1541.	*Ibid.*, XVI, No. 503 (25), p. 240b.
	Katherine Parr. 1544 (*d.* 1548).	*Ibid.*, XIX (1), No. 141 (65), p. 82b.
1547	Edward VI. Grant of Clare borough to his tutor, Sir John Cheke.	P.R.O., Aug. Off. Particulars for Grants, 7 Ed. VI, 1488.

Date.		Sources.
1553	Queen Mary. Revoked the above grant to Cheke; transferred lands of Clare Honor to the Duchy of Lancaster, April 25, 4 and 5 Phil. and Mary.	W. Hardy, *Charters of the Duchy of Lanc.*, pp. 364–5.
	Descent of the Borough as Crown lands; separate grant of Manor in seventeenth century.	
	George V.	

THE WILL OF POLYDORE VERGIL

By E. A. Whitney and P. P. Cram, of Harvard University.

Read 8 *December*, 1927

Twenty-five years ago Cardinal Gasquet in a paper read before the Royal Historical Society [1] pointed out the desirability of a new edition of Polydore Vergil's *Historia Anglica* based on an as yet unpublished manuscript in the Vatican Library. In this paper he referred to the important differences between the Vatican manuscript and the published versions of the *Historia*, and suggested certain significant possibilities in regard to some of the facts of Polydore Vergil's life. In the course of researches preliminary to the preparation of a critical edition of the *Historia*, the will of Polydore was discovered in the municipal archives of his birthplace, Urbino. The publication of this document provides a suitable opportunity for further comment upon the life and importance of "le premier historien humaniste en Angleterre." [2]

Considering Polydore's position in his own day as well as the enormous debt which English historiography owes to his work, the comparative obscurity which has clouded his fame in later centuries deserves more explanation than has been previously accorded it. Although it has long been well known that the chronicle of Edward Hall is based almost

[1] *Transactions of the Royal Historical Society*, New Series, Vol. XVI (London, 1902).

[2] E. Fueter, *Histoire de l'historiographie moderne*, transl. by Emile Jeanmaire (Paris, 1914), pp. 199–203. See also *The Age of the Reformation*, by P. Smith (New York, 1920), p. 581, who qualifies this remark with the statement "So much more modern in point of view than his contemporaries was Polydore Vergil . . . that the generalizations about humanist historiography are only partially true of him."

wholly on Polydore's *Historia* for the period prior to 1509, nevertheless we constantly find subsequent historians referring to Hall as though he were an original authority.[1] Even modern historical critics, with a few notable exceptions, have failed to give credit to Polydore for the virtues they attribute to Hall.[2] And Hall was not the only sixteenth-century chronicler to win a borrowed fame by making use of the research and historiographical ideas of the Italian humanist. John Stowe, in spite of his animosity towards Richard Grafton, borrows a good deal of his general history from Hall, who, as Dr. Busch points out,[3] got it from Polydore.

Eighty-eight years after the publication of the first edition of Polydore's *Historia* in 1534, there appeared yet another work which was destined to take away whatever fame still remained to him as the first interpreter of the reign of Henry VII. Lord Bacon's *Henry VII*, a new departure in the method of writing history as well as a masterpiece of English prose, has dazzled by its brilliancy even sober historians to such an extent that, until comparatively recently, it has been accorded the reverence due to an original source for the period 1485–1509. In large measure this brilliance was made possible only by the pioneer work of Polydore Vergil.

The first historian of note to attempt to adjust the balance between the two, was the late James Gairdner, whose conclusions have been amply supported by the careful researches of Dr. Busch. With the latter's statement " that the real original authority forming the groundwork of Bacon's narrative is Polydore Vergil, or to speak more accurately, Polydore Vergil, as reproduced by Hall," [4]

[1] As he is for the years 1509–33.

[2] As an example of this, see article on Edward Hall in the *Encyclopædia Britannica* (eleventh edition, 1910–11). On this whole question, cf. Wilhelm Busch, *England under the Tudors*, transl. by Alice M. Todd (London, 1895); Appendix II, pp. 395–423. See also James Gairdner, *Early Chroniclers of Europe : England* (London, 1879).

[3] Wilhelm Busch, *op. cit.*, p. 409.

[4] Wilhelm Busch, *op. cit.*, p. 417.

modern scholarship can find no grounds for disagreement. Curiously enough, however, although Bacon no longer occupies, in the estimation of historians, the position he once held, Polydore's reputation has not appreciably increased. It is an irony worthy of the Renaissance that Polydore, in an effort to secure wider interest in his work and greater glory for himself, should have taken the one step which, in later centuries, was to diminish his own fame almost to the point of obscurity, and deprive him of that larger audience for which he wrote. Like his friend, Erasmus, he wrote in Latin in order, among other reasons, to make a knowledge of English history accessible to readers outside of England. In the sixteenth century he was undoubtedly successful in this purpose, as can be deduced from the number of editions of the *Historia* which appeared.[1] It is also not without significance that no one of these editions was printed in England; indeed the first known English edition of the *Historia* is that edited by Sir Henry Ellis in the middle of the last century.[2] The reason why there was not, in the sixteenth century, a published translation into English of Polydore's history is not difficult to find. At the time when such a translation might normally have been expected—that is, during the latter half of the century—Italianate Englishmen had lost much of their previous popularity, and men were already beginning to feel something of that pride in the achievements of their own countrymen which made imitation of foreign models far from popular. And we have ample proof that, in spite

[1] The following sixteenth century editions of the *Historia* are extant: Basle, 1534; Basle, 1546; Basle, 1555; Basle, 1556 (reprint); Ghent, 1556–7 (2 vols, 8vo); Basle, 1557; Basle, 1570. In the seventeenth century we have the following editions: Douai, 1603 (2 vols., 8vo); Leyden, 1651 (8vo).

[2] That portion of the *Historia* covering the period 1422–85, taken from a MS. translation made during the reign of Henry VIII, was published as No. XXIX of the Camden Society Publications in 1844 (London). In 1846 the Society published in a second volume the first eight books, covering the period prior to the Norman Conquest, from the same translation. Both were edited by Sir Henry Ellis.

of being naturalised, Polydore was regarded as a foreigner by his contemporaries.[1] Furthermore, for the general reader, the story which he had to tell was available in the national tongue very soon after the publication of his own history; only to the learned did Polydore's polished style and careful research continue to appeal until well into the seventeenth century.

In considering Polydore's contribution to English history we must not stop with the *Historia Anglica*; in 1525 he published a work which can fairly be said to mark the beginning of historical criticism in England. Not only was Polydore's edition of Gildas the first English attempt at a critical edition of an historical source, but it was also the first publication of the work of this important historian. His attention had been directed to Gildas in the course of his researches in the sources of English history,[2] and the publication was merely incidental to the preparation of his own *Historia*. Judged strictly by the standards of

[1] Cf. the attitude towards him shown in such works as the *Historiae Brytannicae Defensio*, by Sir John Price (London, 1573); the *Rerum Anglicarum post Bedam . . .* by Sir Henry Savile (London, 1596), the *Illustrium Maioris Britanniae Scriptorum . . . Summarium*, by John Bale (Ipswich, 1548).

[2] *Opus Novum, Gildas Britannus Monachus*, cui Sapientis cognomentum est inditum, de calamitate, excidio, et conquestu Britanniae quam Angliam nunc vocant, auctor vetustus, a multis diu desideratus, et nuper in gratiam D. Cuthberti Tonstalli Londinensis episcopi formulis excusus. The dedicatory epistle to Bishop Tunstall concludes: "ad VIII Iduum April. MDXXV, Londini." No name, date or place of printing are given, but it has frequently been said to have been done at Pynson's press. There is no proof of this, and it is worth noting that if this edition were printed in London it is the only one of all Polydore's works to come from an English press. See R. Sinker, *A Catalogue of the English Books Printed before MDCI now in the Library of Trinity College, Cambridge* (London, 1885), p. 400. It seems highly probable that the dedicatory epistle has misled later commentators to assume that the work was printed in London. Fine copies of this are available in the British Museum, the Bodleian Library, the Library of Trinity College, Cambridge, and the Harvard College Library.

In the preface Polydore tells us that he first found references to Gildas in Bede and in William of Newbury and gives some details in regard to the collation of the manuscripts and the reasons for bringing out the edition.

our own day, this work leaves much to be desired from the point of view of a critical edition: for example, Polydore omitted to date the two manuscripts which he collated and made no effort to indicate the variations between them. He does not tell us where the manuscripts came from except to state that one was lent by Bishop Tunstall, while the other was in his own possession. So far as we know to-day, both these manuscripts have disappeared.[1] If this edition, as has always been supposed, was published in England, it was the "first historical work deserving that name which appeared from an English press."[2] Furthermore it enormously stimulated historical interest both in England and on the continent, as may be seen merely by reference to the editions of Gildas which appeared during the sixteenth century.[3]

Polydore's pioneer spirit not only exerted an important influence in the field of historical scholarship, but made itself felt in the whole intellectual life of London during the first quarter of the sixteenth century. To the lettered society of the day, Polydore, by a happy accident, had the best possible introduction even before his arrival. When

[1] *Gildas De Excidio Britanniae . . .* recensuit Josephus Stevenson (London, 1838), published by the English Historical Society, preface, p. xix, note 1.

[2] *Monumenta Historica Britannica.* Edited by Henry Petrie, assisted by John Sharpe (London, 1848), p. 5, § 8. See *supra* p. 119, note 2, referring to lack of definite proof that it was published in England.

[3] Before the appearance of Polydore's edition, copies of Gildas must have been virtually unobtainable in England because Polydore, in spite of all the resources which had been placed at his disposal, tells us in his preface that the work "longe post tempore tandem mihi quaerenti in manus incidit." Following his edition, however, two others appeared in England: in 1562 that published by J. Daye, and in 1568 the most famous of all the sixteenth-century editions, that edited by John Josseline, Secretary to Archbishop Parker. In comparing Josseline's text with Polydore's, Stevenson, *op. cit.*, p. xxi, points out that "an examination of the passages which his (Josseline's) manuscripts supplied to the text of Vergil, shows that these restorations are neither so numerous nor so important as the second editor would induce us to believe."

Continental editions of Gildas appeared also in the years 1541, 1568, 1569, 1576 and 1587.

he first came to England in the year 1502,[1] the country had just emerged from the turmoil and anarchy of the Wars of the Roses, and, under the firm rule of Henry VII, was beginning to enjoy the security and tranquillity which are essential to the development of an intellectual movement like the Renaissance. Almost every month saw the arrival in London of at least one important visitor from the continent, or the return of an English traveller who had gone abroad to bring back some contribution, however slight, from the inexhaustible storehouse of Italy. Even the king could be relied upon to give a warm welcome to visiting foreigners; he was, indeed, responsible for inviting many of them to his court.[2] Inability to appreciate able and brilliant men was never a Tudor failing. Among the first foreigners to profit by Henry's hospitality was Adrian de Castello, noted in his day as an unsurpassed master of Latin style. In 1488, on an embassy from Innocent VIII to James III of Scotland, Adrian was stopped in London by the news of James's death. Here he was given a most friendly welcome by Cardinal Morton, and by him recommended to the king.[3] This was the more fortunate for Polydore's future career, because Adrian was a near kinsman[4]; moreover, it was at his instigation that Polydore came to England with an appointment as sub-collector of Peter's Pence. As early as November 1488 Henry wrote

[1] Polydore Vergil, *Historia Anglica*, Vatican Library, Cod. Urb. MS. Nos. 497, 498, fol. 271. The exact date of his arrival in England remained undecided until Cardinal Gasquet (*op. cit.*) pointed out that the Vatican manuscript settled this point beyond question.

[2] L. Einstein, *Tudor Ideals* (New York, 1921), p. 47.

[3] Polydore Vergil, *Historia Anglica* (ed. Basle, 1570), pp. 580–1. The MS. version contains a less complete account of Adrian.

[4] It is interesting to note that in the records of Wells Cathedral and also in the instrument appointing Polydore to the archdeaconry of Wells, the name Castello is frequently added. See *Three Books of Polydore Vergil's English History*, edited by Sir Henry Ellis (London, 1844), preface, p. v, and notes. There is no mention of this cognomen in the will, nor does it appear in the genealogy of the Vergil family which is preserved in the library of the University at Urbino. In the *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, Vol. I, Document No. 1283, he is referred to as "Polydore Vergil alias Polydore Castellensis."

to Innocent that he was much pleased with Adrian and that he wished preferment for him,[1] and for the remainder of his stay in England, Adrian was as important at court as he had been in the intellectual circles of London.

Adrian's success goes far to explain the immediate interest in his young kinsman which was shown both by the court and the humanists. And we may believe that the arrival of a cultured Italian, recently come from one of the most accomplished courts in Europe[2] and already the author of two very successful books,[3] caused something of a stir in the London of 1502. Polydore apparently entirely satisfied the expectations inspired by his arrival; for, within three or four years, he was commissioned by the king to write the history of his adopted country.[4]

That he was intimate with the important men of the

[1] *Calendar of State Papers*: Venice, edited by Rawdon Brown and others (London, 1864), Vol. I, letter No. 538.

[2] At some time during the pontificate of Alexander VI (1492–1503) Polydore left the court of Urbino, where he had been brought up, first under the patronage of Duke Federigo and later, from 1482, under his son, Duke Guido Ubaldo. For a few years, we do not know how many, he acted as one of the papal secretaries, a post which he retained until he received the English appointment.

[3] The first edition of Polydore's *Proverbiorum Libellus* was published at Venice in 1498 by Christopher de Pensis (4 vo.). A second edition was necessary two years later and came from the same press. In 1499 de Pensis had also brought out the first three books of Polydore's most famous non-historical work, the *De Inventoribus Rerum*. There are at least nineteen sixteenth-century editions of this work still extant, and we know that more than that number must have once existed. Including all the editions mentioned by Beckmann, *Beyträge zur Geschichte der Erfindungen* (Leipzig, 1792), Vol. III, pp. 571–8, and the further editions mentioned by Professor John Ferguson, *Archæologia*, Vol. LI (London, 1888), p. 107 ff.; *Transactions of the Glasgow Archæological Society* (Glasgow, 1883), Vol. II, part 3, p. 232 ff.; *Transactions of the Glasgow Archæological Society*, New Series (Glasgow, 1890), Vol. I, p. 195 ff., there must have been to date some eighty editions of this remarkable work. There are ten extant sixteenth-century editions of the *Proverbiorum Libellus* (also known as the *Adagiorum Liber*).

[4] *De Inventoribus Rerum*, by Polydore Vergil (ed. Basle, 1521); preface to his brother, Matthew, dated "Londini nonis decembris An. MDXVII." Professor W. A. J. Archbold, in the *Dictionary of National Biography*, states definitely that it was in the year 1505 that Henry invited him to undertake the history.

early English Renaissance, is clear from Erasmus's letters,[1] as well as from the prefaces to several of Polydore's works.[2] His intimacy with Erasmus covered many years. So far as we know, it was marred by only one misunderstanding, the importance of which later writers have greatly over-emphasised.[3] Subsequent letters which passed between them afford sufficient evidence that friendly relations were soon resumed, if, indeed, they were ever really broken.[4]

Polydore's mastery of Latin style was everywhere acknowledged in his own day; even his most violent detractors, who condemned him for having exposed the myths of early English history, admitted his facility of expression.[5]

[1] *Epistolae Erasmi* (ed. London, 1642), p. 749. Erasmus mentions Thomas More, Cuthbert Tunstall, Thomas Linacre, and William Latimer as being particular friends of Polydore's.

[2] *Adagiorum opus* . . . by Polydore Vergil (ed. Basle, 1525), p. 5. This would indicate that to the list of his friends mentioned by Erasmus (see note 1, supra) should be added the names of William Grocyn, William Lily, and Richard Pace. See also Epistle to Richard Pace, prefixed to the 1521 edition of the *Adagia*. From the tone of the epistle to John Fisher, Bishop of Rochester, which precedes Polydore's *Commentary on the Lord's Prayer* (first published by Froben, Basle, 1525), it would seem that he too must be numbered among Polydore's intimates. In connection with this work, which is one of the most modern things Polydore ever wrote, it is interesting to consider the influence John Colet may have had upon it. Colet was made Dean of St. Paul's in 1505, and almost at once began to preach on such subjects as the Apostles' Creed and the Lord's Prayer, endeavouring to make them real and understandable to the people. (See *The Oxford Reformers of* 1498, by Seebohm (London, 1867), p. 84.) The tenor of Polydore's comments on this prayer and what we knew of Colet's ideas are sufficiently similar to make it more than possible that some, at least, of Polydore's inspiration for this may have come originally from Colet.

[3] This misunderstanding arose when Polydore, quite correctly, took exception to Erasmus's claim that the latter's *Adagia* was the first work of its kind ever to be printed. After a graceful explanation from Erasmus the matter appeared to be settled, but Polydore for some curious reason took occasion to resurrect it in the prefatory epistle to Richard Pace prefixed to the 1521 edition of the *Adagia*. This brought from Erasmus a perfectly friendly but in places somewhat ironic reply. (See *Epistolae Erasmi* (ed. London, 1642), pp. 748–9).

[4] *Epistolae Erasmi* (ed. London, 1642), pp. 1006–7, 1093, etc.

[5] For example, Sir John Price in the preface to his *Historiae Brytannicae Defensio* (London, 1573), remarks "Nullo enim modo me eloquentiae viribus, dicendive arte parem Vergilio censeo." In the dedicatory epistle to this edition, written twenty years after the text (i.e., in the year of

Subsequent commentators, however, have hardly mentioned a more remarkable attainment—acquaintance with the Greek tongue. A glance at the fragment of St. Chrysostom,[1] which he translated from the Greek and dedicated to Erasmus, affords conclusive evidence of his knowledge of this language. It would be significant if it could be shown that Polydore learned his Greek in England, perhaps under the tutelage of Grocyn.[2] But in all probability he had acquired it before he ever thought of coming to England; certainly there would have been ample opportunity for him to do so at the court of Guido Ubaldo, in whose library, collected under the guidance of such men as Vespasiano and Federigo Veterani, was a magnificent collection of classical authors in the original Greek and Latin.[3] The frequency of quotations from the Greek in the *Adagia*, which was first published in 1498, would support the latter conclusion. It is also worth noting that the *De Inventoribus Rerum*, affords evidence of considerable familiarity with this language.

The established facts of the remainder of Polydore's

publication) by the son of Sir John Price, is to be found the following parenthetical characterization of Polydore's style: "vir quidem haud contemnenda dicendi facultate praeditus."

[1] *Divi Joannis Chrysostomi de Perfecto Monacho Principe Libellus* (Basle, 1533). The prefatory epistle to Erasmus is dated "Londini III Non. Aug. Anno MDXXVIII." There is a copy of this edition in the British Museum. It was later reprinted at Basle in 1550 along with the *Adagia*. Ferguson, *Archaeologia*, Vol. LI (London, 1888, p. 112) and the article in the *Dictionary of National Biography* which cites Ferguson as its authority, state that the Basle, 1533 edition, is the first of this work. This would seem to be an error, however, as we have a letter of Erasmus, dated "quinto Cal. Aprilis Anno Christo nato MDXXXI" in which he refers to this particular work and states definitely "excusum est autem Lutetiae" (*Epistolae Erasmi* (ed. London, 1642), p. 1354). In view, too, of the date of the dedicatory epistle it would hardly seem likely that Polydore waited five years before publishing. On the other hand, it is not known that any earlier edition than that of 1533 is extant.

[2] His prefatory Epistle to Erasmus would indicate that he had applied himself to the study of Greek while in England.

[3] For a partial list of classical authors which could have been found in the ducal library at Urbino, see *Memoirs of the Dukes of Urbino*, by James Dennistoun (London, 1851), p. 158. The remains of this remarkable library were transferred to the Vatican in 1631, when the duchy was formally incorporated in the Papal States by Urban VIII. See also *Codices Urbinates Latini* Recensuit Cosimus Stornajolo (Rome, 1902).

sojourn in England are readily available, but much work remains to be done in arranging and interpreting these facts and in checking the sources from which they come. Nothing like a comprehensive and critical biography of Polydore can be said to exist, although the materials for writing one are now accessible. The fact that he kept the royal favour, almost without interruption, during the reigns of Henry VII, Henry VIII, Edward VI, and into the time of Mary is striking enough to challenge the interest of any student of sixteenth-century England. And that this royal favour was no mere formality we know from Polydore's early experience in the English law courts [1] as well as from the many tangible evidences, financial and otherwise, to be found in the records.[2] Despite occasional laudatory references, Polydore has not yet received from modern scholarship the attention to which his attainments as a scholar, as a humanist, and as a figure of the early English Renaissance entitle him. It has been the purpose of this note to show that such attention would not prove unfruitful.

To return to the will. This document settles some questions in regard to Polydore's life, and gives point to speculations concerning some others. It is dated 1534 and was, to quote the notarial entry on the last page, " authenti-

[1] *Transactions of the Royal Historical Society*, New Series, Vol. XIX, pp. 279–94 (London, 1905); Polydore Vergil in the English Law Courts, a paper by I. S. Leadam. Polydore got into trouble for attempting to negotiate illegal exchanges—presumably for his own advantage—and only got off by presenting a retroactive royal pardon! This was in the year 1503.

[2] Lansdowne MSS. (Catalogue of 1819), Number 2, Item 66. A letter from Polydore to Mr. Secretary Cecil, desiring him to forward a warrant signed by the Council for procuring the gift from the king of 300 crowns. This letter is dated 10 Nov. 1551. The amount referred to had been voted on the first of November. On the thirteenth of the previous October he had also received 100 marks of the royal bounty. In the warrant of 1550, enabling him to depart the realm, he is expressly allowed to retain for the remainder of his life the " profits, rents and commodities " of the archdeaconry of Wells and the prebendary of Nonnington. (See *Three Books of Polydore Vergil's English History*, edited by Sir Henry Ellis (London, 1844), Appendix, p. xxxvii, Number V.) The letter which he wrote to Mary on her accession (*ibid.*, p. xxxviii) insured the continuance of these privileges during her reign. There are numerous other instances of grants similar to those cited above.

cated" on 19 April, 1555, the day after his death. This, for the first time, clears up one disputed point in his career,[1] and provides conclusive evidence for the frequently contradicted statement that he died in 1555.

An interesting fact in connection with the discovery of this will is that it is filed in the municipal archives of Urbino among the notarial documents of the year 1534,[2] in which it was drawn, instead of with those for the year in which it was probated (1555). The search under the former year was prompted by the finding, in the archives of the University at Urbino, of a reference to Polydore with the parenthetical statement "test. 1534."[3] Since the will was drawn in 1534 and, since Polydore signed it with his own hand, it follows that he was in Urbino in that year. This is the same year that the first edition of the *Historia Anglica* appeared, and it would seem that he took advantage of the necessity of supervising the progress of his manuscript through Bebel's press at Basle to revisit his boyhood home.

The question of Polydore's visits to Italy bears on the composition of his *Historia* and also upon our estimate of that one of his historical judgments which has probably affected subsequent historians more than any other, namely his characterisation of Wolsey.[4] There can be no doubt

[1] See *Dictionary of National Biography*, s. v. Polydore Vergil, which discusses the probable date of his death, citing the several contradictory authorities.

[2] Archivio Notarile, Palazzo Ducale, Urbino, Vol. XXVII, Felice Guiducci Testamenti (from Dec. 1529 to March, 1583), No. 782, Div. I, Cas. 34.

[3] The genealogical book (MS.) of the Borgogelli-Vergil family is kept at the University and runs from 1583 to the present day. According to the genealogy of the Vergil family (from the same source), in the year 1697 Faustina Vergil, the last direct descendant of the original Vergil family, married the Cavaliere Lorenzo Borgogelli, who thereupon added the name Vergil to his own. It is interesting to remark that their descendants have kept it to this day.

[4] *The Reign of Henry VIII* (to the death of Wolsey), etc., by J. S. Brewer, ed. by James Gairdner (London, 1884, 2 vols.). See especially the remarks on the authorities and frequent references in the notes throughout Vol. I to Polydore's unfair treatment of Wolsey. Brewer feels that Polydore is merely taking "an immortal revenge" for having been placed in prison by Wolsey's order.

that the Vatican manuscript considerably antedates any published version of the *Historia*, as will be shown below. There would seem, therefore, to be some foundation for Cardinal Gasquet's suggestion [1] that the idea of Wolsey conveyed by the published history was, in some measure at least, prompted by the feeling on Polydore's part—if not by a more direct intimation—that an unfavourable verdict on the fallen minister was desired by Henry VIII. Cardinal Gasquet, however, assumes that the manuscript version of the *Historia* was written during 1516–17, after Polydore's incarceration ; if this be admitted, then Polydore is certainly to be commended for the restraint shown in his brief mention of Wolsey in the manuscript version.[2] There is, however, equally good evidence for supposing that it was written in 1513–14, before Polydore had incurred the wrath of the great cardinal. We know that he was in Italy during the latter years since we have two letters, one from Henry VIII,[3] commending him to Leo X, and another from Polydore himself to Wolsey, written at Rome.[4] From the first of these we know that he intended to visit his birthplace and we know from a clue supplied by the will that he actually did so.[5] The manuscript version of the *Historia* ends with

[1] *Op. cit.*

[2] Polydore Vergil, *Historia Anglica*, Vatican Library, Cod. Urb. MS. Nos. 497, 498, fol. 293.

[3] *Polydore Vergil's English History*, Vol. I, edited by Sir Henry Ellis (London, 1846), Appendix, p. xi, No. 1.

[4] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, Vol. I, Document No. 5110.

[5] On the first page there is a reference to a chapel in the cathedral donated by Polydore and dedicated to S. Andrea. A search of the archives of the Duomo revealed the fact that the gift of this chapel had been made in 1514 orally and that it had subsequently been confirmed in the will. On 22 August, 1514, Polydore paid to his brother, Giovanni Francesco, the sum of 600 florins for the endowment of this chapel. (MSS. Records of the Curia at Urbino, Vol. XXIII, p. 274.) Under date of 1534 is an entry (*ibid.*, p. 275) that in the testament of that year Polydore confirmed and increased his gift to the cathedral. Local tradition in Urbino has it that in the present rebuilt cathedral, the second altar on the right of the entrance is that given by Polydore. This is confirmed by the entry in the records of the Curia (*ibid.*, p. 274) which, referring to the original chapel, reads : " qui est secundus in ordine prime navis ingredientibus a dextris."

the Battle of Flodden in 1513, thus supporting the assumption that it was written on his first visit.

Now the Vatican manuscript is in the handwriting of Federigo Veterani, the famous librarian of the ducal court at Urbino. The explanation of this is either that Polydore dictated it to Veterani on one of his visits to Italy, or that Veterani copied it from notes which Polydore had previously made. The latter conclusion is rendered questionable by the fact that there are numerous manuscript corrections and interpolations, also in Veterani's hand, which would imply dictation and revision, rather than the careful copying of one of the most accomplished scribes of his time. If this be allowed, then the dating of this dictation becomes of considerable importance. Veterani says in a note added at the end of the manuscript that he has placed it in the Convent of Santa Chiara [1] for safe keeping during the troublous times which then convulsed the duchy. Unfortunately this note is undated. We know, however, that it was in 1516 that Leo X raped Urbino from Duke Francesco Maria I, and that from this time until 1520 and even later the duchy continued to be the battleground between papal and ducal forces. This, as Cardinal Gasquet points out, enables us to guess the date of the notes in question. But Cardinal Gasquet assumes that the notation must have been added at the time when the body of the manuscript was written, and from this assumption concludes that the manuscript version of the *Historia* was written down by Veterani in the years 1516–17. This does not necessarily follow, and, indeed, there is internal as well as circumstantial evidence against it. In the first place, the handwriting of the notation differs markedly from that in the body of the manuscript; while undoubtedly both were

The present cathedral was rebuilt in 1801 after the dome of the original structure had fallen. In this disaster Polydore's tomb was destroyed and all that remains of his chapel is the altar already mentioned. The destruction of his tomb apparently obliterated the only available evidence as to the exact dates of his birth and death. While the discovery of the will settles the latter date, the former remains undetermined.

[1] Near Urbino.

written by the same person, the notation from its position on the page appears like an interpolation added at another time and was most certainly done with a different pen. Evidence less conclusive, but still not to be ignored, is the obvious fact that the troublous years 1516–17 would not have been likely to provide a favourable opportunity for the completion of a work of such magnitude as the dictation and revision of this manuscript, which comprises over eleven hundred pages. Finally, we have the fact, already mentioned, that the manuscript only carries the history of England down to the battle of Flodden. Had Polydore written it after the enforced leisure of his imprisonment, it seems not unreasonable to suppose that he would have continued his story to the latest possible date. These considerations make it appear that the most probable date for the composition of the manuscript version of the *Historia Anglica* is during the years 1513–14.

If this hypothesis be correct, then the brief mention of Wolsey in the manuscript version is not unsuited to the position which Wolsey occupied in the affairs of England at that time, and Polydore can hardly claim much credit for the moderation of his views concerning him.

Certain other points are suggested by the will, but a complete discussion of them would be beyond the scope of the present note. Quite apart from its historical interest and the inferences which can be drawn from it, the will has an antiquarian appeal and is not without importance as a specimen of the personal papers of a great Renaissance humanist.[1]

[1] An exact literal transcript of this document was made by the present editors, but this had to be printed in accordance with modern requirements.

APPENDIX

Examinatum et registratum domino Polydoro viventi

In nomine Domini, amen. Reverendus in Christo pater ac nobilis dominus Polydorus Vergilius, Urbinas, sanus, Deo dante, sensu, mente, ac corpore, nolens intestatus decedere sed de suis rebus bonis ac juribus disponere volens, per suum presens nuncupatiuum testamentum, quod dicitur sine scriptis, de sui superioris licentia de qua patet manu mei notarii infrascripti,[1] et cuius tenor sequitu et est talis, viz[2] . . . cuius vigore, licentia et facultatibus dictus testator dictum suum nuncupatiuum testamentum in hunc modum facere procuravit et fecit, videlicet quia:

Imprimis summo ac omnipotenti Deo se et animam suam devote comendavit, ut ipsius anime felix ex corpore sit migratio ad suum creatorem, cum illud defecerit.

Voluit, iussit et mandavit, ac infrascriptum eius heredem, oneravit, et qui pro tempore fuerit, ut inveniat, elligat et percontet preposito ac capitulo canonicorum Urbinatenum, unum capellanum quem libuerit conducere, ut ter in hebdomada perpetuis futuris temporibus in ea ecclesia cathedrali, in capella ipsius testatoris,[3] ad Altarem sancti Andree Apostoli protectoris sui, cellebret, pro bono statu vivorum et remissione mortuorum familie Vergiliane; teneaturque infrascriptus eius heres et alii post eum substituti salarium honestum ac condecens quolibet anno dare. Et si contigerit per spatium trium mensium, nulla alia legiptima causa obstante, quod non fuerit dictus capellanus ellectus ac percontatus, tunc et eo casu infrascriptum eius heredem et qui pro tempore fuerit incurrere voluit et mandavit penam quinque florenorum monete veteris fabrice dicte ecclesie cathedralis applicandorum exigendam ab herede, per dictum capi-

[1] *notarii infrascripti*—Felice Guiducci, who drew the will in 1534 and, as the final notation shows, authenticated the document in April, 1555, after Polydore's death. The will is at present filed in the Archivio Notarile, Palazzo Ducale, Urbino, under Felice Guiducci Testamenti (from Dec. 1529 to March, 1583), No. 782, Div. 1, Cas. 34.

[2] At this point one word is illegible.

[3] *capella ipsius testatoris*—see *supra*, p. 128, note 5.

tulum et operarios dicte fabrice in casu contraventionis; (a) quibus possit et compelli debeat ad ipsam penam soluendam totiens quotiens contra permissa et voluntatem ac mentem dicti testatoris fuerit, quovis modo seu aliquo quesito colore, contrafactum.[1]

Iure legati reliquit Ser Johanni Francisco, et Hieronymo [2] de Vergiliis suis fratribus [3] honestam habitationem pro ipsis et eorum familia, in domo propria [4] ipsius testatoris in civitate Urbinatenum, quamdiu dicti Ser Jo. Franciscus et Hieronymus [5] vixerint, iuxta et secundum assignationem ipsis et eorum cuilibet faciendam per infrascriptum eius heredem.

Voluit et ordinavit quod si quo tempore domina Angelina, uxor Hieronymi predicti et ipsius testatoris cognata, dicto Hieronymo supervixerit et sic vidua remanserit et vitam vidualem ac honestam servaverit similiter donec vixerit habitari possit et debeat in domo praedicta, quam habitationem eidem domine Angeline idem testator iure legati reliquit ut supradicto casu.

Eodem iure legati reliquit dominabus Camille, Elisse et Agneti filiabus[6] Hieronymi praedicti et ipsius testatoris neptibus, florenos

[1] *contrafactum*—addition in Polydore's own hand.

[2] *Hieronymo*—Girolamo Vergil, a merchant, who spent some time in London, and, according to the MS. genealogy of the Vergil family in the library of the University at Urbino, was the grandfather of Antonio Vergil Batteferri who presented the present Vatican MS. of the *Historia Anglica* to Duke Francesco Maria II of Urbino in 1613. This brother seems to have been closest to Polydore and was chosen as the intermediary between Wolsey and Polydore while the latter was in Rome in 1514, occupied with the negotiations regarding Wolsey's cardinalate. See *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, Vol. I, Document No. 5110, and cf. *supra*, p. 128, note 5.

[3] *suis fratribus*—Polydore had still another brother, Matteo, who was a professor (*lettore*) at Padua. He was alive as late as 1521, since Polydore's epistle to him is prefixed to the Basle edition of the *De Inventoribus Rerum* in that year. Presumably he had died before this will was drawn.

[4] *domo propria*—Polydore's house is still, externally, the most pretentious private building in Urbino. It is directly opposite the University in the Via Saffi (formerly Via S. Paolo) and has a tablet with this inscription: Qui ebbe I Natali Polidoro Virgili Storico E Letterato Dotissimo Nel Secolo XV.

[5] *dicti Ser Jo. Franciscus et Hieronymus*—insertion in Polydore's own hand.

[6] *filiabus Hieronymi*—Girolamo Vergil and Angelina Battiferri also had a son named Polydore who was the father of Antonio Vergil Battiferri (see note *supra*). The silence of this will about the nephew of the testator who bore his name would seem to indicate that he was not born at the time it was drawn. But even this would not have prevented the addition of a codicil.

triginta monete veteris in totum, viz florenos decem pro qualibet, quos consequi ipsas posse voluit cum viro traddite fuerint et non antea, et quos ut supra eisdem legavit pro usu earundem dotium et non aliter; et casu quo constiterit ipsum testatorem aliquam pecuniam pro dote illarum antea dedisse, tunc voluit hoc presens suum legatum irritum fore et nullius roboris esse, et infrascriptum eius heredem ab illo penitus liberatum quibus dominabus Camille, Elisse et Agneti, quamdiu innupte fuerint, eodem iure legati reliquit, ut supra, habitationem in dicta eius domo.

In omnibus autem aliis suis bonis mobilibus et immobilibus propriis et emphiteoticis, iuribus et actionibus presentibus et futuris ubicumque existentibus, tam in civitate Urbini quam eius districtu, ac comitatu Foris Empronii,[1] suum heredem universalem instituit, creavit, fecit et esse voluit pleno iure Vergilium ipsius testatoris nepotem ex Ser Johanne Francisco eius fratre; cum hac tamen lege, quod ipse heres institutus, seu, aliqui pro tempore successuri, non possint aut valeant quoquo modo, ratione, vel causa, tacite vel expresse, directe vel indirecte, bona ipsius domini Polydori, viz domum cum omnibus suis iuribus et pertinentiis sitam in civitate Urbini, in loco Podii [2] iuxta stratas, circumquaque cum orto seu viridario existente in conspectu dicte domus a parte posteriori, medianti strata publica cum quibusdam aliis domunculis sitis in dicto loco, cum aliquali tereno ortino iuxta stratam a tribus bona magistri Peratii barbitonsoris et bona conventus Sancti Hieronymi [3] medianti strata et alia lattera: et omnia alia bona stabilia existentia in comitatu civitatis Urbini et etiam in comitatu civitatis Foris Empronii iuxta et infra quecumque eorum lattera et vocabula ac confinia que hic dictus testator pro expressis haberi voluit et mandavit: ac si de uno quoque facta foret specialis specifica et expressa mentio, non possit ut dictum est, nec ipsis aut eorum alteri liceat, aliquo quesito colore, vendere, subpignerare, hipotecare ad breve vel ad longhum tempus, comedere, seu dilapidare, aut quocumque titulo ratione vel causa in alium transferre vel alienare eam inter vivos, quam in ultima voluntate seu ab intestato, et etiam ex causa

[1] *Foris Empronii*—i.e. Fossombrone.

[2] *in loco Podii*—this refers simply to the hill on which the Vergil house is situated. Cf. Du Cange—s.v. podium.

[3] *conventus Sancti Hieronymi*—the present church of this name must be a part of this original foundation. The modern Contrada S. Girolamo fits the topographical requirements implied in *medianti strata*.

malefitii seu delicti fortasse perpetrandi, ad hoc uti infinitum semper ipsa bona deveniant de uno in alium maiorem natu et primogenitum, seu eiusdem primogeniti filium masculum similiter maiorem natu ordine successivo per virilem lineam, et denique nihil damni sit proximo heredi successivo, et huiusmodi ordinationi si contrafactum fuerit, contrafaciens privetur et privatus ex nunc esse intelligatur ipso facto omni iure et comodo ipsius possessionis bonorum dicti testatoris, et tunc et eo casu dicta eius bona devenire voluit proximo eius consanguineo masculo ex genere ipsius testatoris, cum honoribus et oneribus et qualitatibus praeinsertis, ad effectum ut hereditas ipsa omni tempore integra et illesa permaneat heredi gradatim ut supra successivo, et eidem Vergilio heredi ut supra instituto decedenti, quandocumque substituit filium maximum natu masculum legitimum et naturalem ex eo suscipiendum.[1] Ita tamen quod omnia praedicta eius bona ad eum [2] deveniant, et sic ipse testator voluit decrevit et mandavit illa devenire semper et in perpetuum gradatim uni dumtaxat maiori natu ex genere ipsius testatoris, pro conservatione familie nominis et domus, sine aliqua ipsorum bonorum diminutione et detrhactione etiam quarte trebellianice, quam in perpetuum idem testator dictis eius heredibus ut supra institutis et substituendis omnino vetuit et proibuit, pro conservatione omnium suorum bonorum in dictum primogenitum masculum et familiam ac cognationem suam Vergilianam, ea tamen conditione et onere quo Vergilius heres institutus tenebitur[3] et gravatus fuerat, quem quidem primogenitum masculum seu ipsius primogeniti filium ut supra maiorem natu dicti sui heredis et successive et gradatim quemcumque alium primogenitum ex dicto genere et familia Vergiliana, idem testator in perpetuum vocavit et invitavit ad universam eius hereditatem et bona, absque ulla diminutione, sub oneribus modis et conditionibus praedictis : et si aliquando accideret et casus esset quod heres institutus, aut aliquis ex substitutis, non susciperet masculos, et non extaret aliquis masculus ex familia et genere ipsius domino Polydori, tunc huiusmodi heredi masculinam prolem non suscipienti testator ipse omnimodam licentiam et facultatem dedit atque contulit elligendi et inveniendi ac sibi adoptandi puerum sive iuvenem bona indole, egregiaque virtute ac moribus decoratum, legitimeque procreatum ; quem duxerit adoptandum, idque

[1] *suscipiendum*—correction in Polydore's own hand.
[2] *ad eum*—insertion in Polydore's own hand.
[3] *tenebitur*—" itur " is a correction in Polydore's own hand.

concessit ut filius masculus sic adoptatus et electus [1] in casu premisso sit heres in bonis predictis et ferre ac suscipere debeat cognomen [2] familie Vergiliane ac teneatur et teneri ipsum voluit ad observantiam premissorum omnium; quod si non fecerit ac adimpleverit, tunc voluit et iussit hereditatem suam devenire ad alium proximum heredem in gradu successibili. Ita tamen quod numquam hereditas ipsa nec aliqua eius pars deveniat ad feminas, sui aut alieni generis, et quod ipsa bona aut aliqua ipsorum pars non possit ab aliquo alicui in dotem dari et minus concedi seu aliquo alio iure transferri, directe vel indirecte, tacite vel expresse, ex quandaque causa, tam scita quam ignorata, et tam tacita quam expressa; etiam si talis in dotem traditio fieret ex causa alicuius femine nupte vel nubende in dictum adoptatium, ad hoc ut talem adoptandi facultatem ut supra ab ipso testatore concessam fraudem aliquam voluntati sue inferri et illam quovis modo frustrari, bonaque sua propterea in feminas transferri ullo umquam tempore non contingat, sub pena privationis dicte sue hereditatis et devolutionis ut supra; et si quis ex heredibus ut supra institutis et substitutis aut dicto casu in adoptionem elligendis et deputandis, aut quicumque heres fuerit pro tempore, forte incideret, quod Deus avertat, in crimen lese majestatis aut aliud perpetraverit ob quod bona in totum vel in partem devoluerassent ad Cameram et phiscum; illico et incontinenti omni comodo et usufructu dicte hereditatis privatus sit et esse intelligatur, et possessio et usufructus quorumcumque bonorum predictorum tunc et eo casu sine diminutione aliqua deveniat ad proximorem masculum quor empublicam ipsam amasse testetur: et ne ex alicuius delicto bona sua extra dictam familiam contra ipsius testatoris votum transferrantur, verum si crimen condonatur remissumque fuerit, tum ei possessio bonorum praedictorum revertatur libera et integra, post etiam ipse testator ex nunc post ex tunc illam restituit omni melliori modo.

Et hanc dixit esse et esse velle eius ultimam voluntatem, quam valere voluit iure testamenti; et si iure testamenti non valeret, valere voluit iure codicillorum et omni alio melliore modo, quo de iure melius valere potest et tenere.

Cassans, irritans et anullans omne aliud testamentum et ultimam voluntatem quod et que appareret per ipsum hactenus

[1] *electus*—Polydore corrected the orthography of this word in his own hand.

[2] *cognomen*—In view of this, it is interesting to consider what actually did happen in 1697. See *supra*, p. 127, note 3.

facti, cum quibuscumque clausulis etiam derogatoriis et derogatoriorum derogatoriis ad subsequentes voluntates, etiam si tales essent de quibus specialis et individua mentio habenda foret.

Actum, factum, conditum, cellebratum, recognitum et publicatum fuit dictum testamentum per dictum testatorem, hore proprio, scriptum, lectum et vulgari sermone expositum, per me Felicem notarium infrascriptum, ab ipso testatore rogatum, et de eius mandato, sub annis a nativitate Domini millesimo quingentesimo tricesimo quarto, indictione vii, tempore pontificis Sanctissimi in Christo patris et domini magistri divini Clementis divina prudentia Papa VII, die vero mercurii, prima mensis Aprilis, in civitate Urbini et in sacrestia ecclesie sive monasterii sante Marie de turri de Urbino, iuxta eius notissima lattera, presentibus ibidem venerabilibus viris domino Johanne Baptista Civello, canonico, domino Francisco Daniellis, domino Carolo Cicolino, domino Mario Baldutio, domino, Criscentino Trombetta, et domino, Hieronimo, Maximi Coqui, presbitteris Urbinatenum, ac magistro Baldo, et magistro Hieronimo, Mathei Martini de Petracaulo, habitatis Urbini, testibus ad praemissa omnia a dicto testatore ore suo proprio nominatim vocatis, habitis atque rogatis (approbo verba deleta et remissa).[1] Et ego Felix qui Ser Federici Pauli de Monte Guidatio publicus apostolica auctoritate notarius Urbinas, praedictis omnibus singulis interfui,et ea rogatus scribere scripsi et publicavi, signum meum consuetum[2] apposui, in fidem et testimonium premissorum. Ita est,[3] ego Polydorus Virgilius manu mea. Et ista omnia suprascripta comprobo, et rata esse volo. Amen.[4]

Die xviii Aprilis 1555 nuntiatum fuit mihi Felici[5] notario, per heredes, dictum testatorem decessisse ipsa die. Post, die sequenti, vidi ipsius corpus ad ecclesiam deferri ; et ideo suum testamentum auctenticavi.

[1] *Approbo*—the bracketed words are a parenthetical expression in Polydore's hand. The brackets are the editors'.

[2] The monogram of the notary is sketched in the lower left-hand corner of the page.

[3] *Ita est*—This entire sentence is in the handwriting of Polydore.

[4] *Amen*—This completes the will. What follows is the notarial addition.

[5] *Felici*—Allowing for a lapse of twenty-one years, it does not appear improbable that the body of the will and this notation were written by the same hand. The fact that the document was found among the papers of Felice Guiducci for the year 1534 would support this assumption.

THE ORIGINS OF PARLIAMENT

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Read 10 *May*, 1928

I. The Word

The antiquities of the word *parliament* have not been neglected either by lexicographers or by constitutional historians. The latter usually mention Jordan Fantosme and various thirteenth-century chroniclers; while the articles *parlamentum* in the Glossarium of Ducange and *parlement* in Godefroi's Dictionary are instructive although meagre in their references to record sources. But after he had studied all the references of historians and dictionary-makers, the enquirer might well be puzzled to know why certain sessions of the English king's court should in particular be called parliaments by the royal clerks. We may, however, get some way towards a plausible explanation by filling in a few of the gaps in the chain of references. For a full explanation we need to look at the working of parliamentary institutions; but that is a further step.

The earliest document in which the word *parlement* is preserved seems to be the Chanson de Roland, which comes to us from the latter part of the eleventh century. The emir Baligant says to the dying king Marsile: "Ne pois a vos tenir lung parlement" [1]—"I cannot hold long parley with you." This meaning of "parley," "conversation," long clung to the word: but about the same time as the Chanson was first sung in England, *parliament* was being used with a different meaning in Italian cities, for a general

[1] Line 2836.

meeting of the citizens, a folkmoot as Englishmen, or at any rate Londoners, would have called it.[1] We are here a step, it may be only a little step, nearer the meaning of parliament in the rolls and writs of thirteenth-century English kings: for in those early days the *parlamento* of an Italian city was an assembly with some real functions [2]; it was, like the folkmoot, a court, a tribunal, as fully representative as possible of all the citizens.

In the second half of the twelfth century the word was being used for other assemblies, for meetings of an emperor's or a king's court. So we find it used by Otto Morena when speaking of the diet of Roncaglia held by Frederick Barbarossa in 1154,[3] by Guernes de Pont-Sainte-Maxence when speaking of the council of Northampton in 1164 [4] and by Jordan Fantosme when speaking of a council of William the Lion in 1173.[5] So also it is used by Wace to describe a meeting between Richard I, duke of Normandy, and Lothaire, king of France,[6] as well as the assembly in which Harold took his oath to duke William.[7] Wace, it should be remarked, employs *parlement* also in the sense of conversation,[8] and Guernes de Pont-Sainte-Maxence applies the word to interviews between Louis VII and Henry II and between Henry and Becket.[9] Here, however, it might be suggested, and perhaps correctly, that an interview between Louis and Henry takes place in the French king's court and

[1] The earliest instance of the use of the word with which I am acquainted occurs in Caffaro, *Annales*, s.a. 1101 (*Monumenta Historiae Germanicae, Scriptores*, XVIII, 13); later instances will be found, s.a. 1147 (*ibid.*, p. 36), and in *Annales Pisani* (1158–60) (*ibid.*, XIX, 244 f.). This general assembly of the commune had a variety of names: cf. Pertile, *Storia del Diritto Italiano*, II, i, 50 f. [2] Cf. Pertile, *op. cit.*, II, i, 168 ff., VI, 53.

[3] *Mon. Hist. Germ. Scriptores*, XVIII, 591. On these diets, which were held at irregular intervals throughout nearly the whole of the twelfth century, and ceased in 1194, see A. Solmi, *Le Diete imperiali di Roncaglia*, pp. 52 ff.

[4] *La Vie de Saint Thomas le Martyr* (ed. E. Walberg), p. 56.

[5] *Chronicles of Stephen, Henry II and Richard I* (Rolls Series), III, 226.

[6] *Roman de Rou* (ed. Andresen), I, 168, 172 ff. [7] *Ibid.*, II, 257 f.

[8] *Ibid.*, II, 256, l. 5652. The word "parliament" in any sense does not occur in any of Wace's written sources.

[9] *La Vie de Saint Thomas le Martyr*, pp. 128, 134–7.

an interview between Henry and Becket in the English king's court and that each meeting is a very special and solemn one.

Guernes, Jordan and master Wace were writing history, albeit in verse. A more considerable poet, Jean Renart, was writing a deal of verse about court life at the end of the twelfth and the beginning of the thirteenth century [1]: he often found it convenient to use *parlement* to end a line. So he uses it several times for an imaginary diet of an imaginary emperor at Mainz and for another imaginary assembly at Rome. In the former meeting, which has been primarily summoned to enable the emperor to obtain the approval of his barons to his marriage, the heroine of the tale demands justice of the emperor's seneschal [2]: and in the other meeting the Romans assemble after the death of one emperor to chose another in the person of the hero.[3] But not only does Jean Renart apply the word *parlement* to the emperor's court, he applies it also to the court of a very humble lord, who, he says, held parliament just as if he had been a man of exalted rank.[4] A little earlier we have been told that the emperor convened parliaments for the pleasure of having a crowd of barons around him [5]: we must not forget that a parliament may have its festive side.[6] Jean Renart, it should be remarked, does not use *parlement* exclusively in the sense of a meeting of a court: he uses it also to mean "parley" or "conversation." [7]

[1] On Jean Renart's life and works, see Ch. V, Langlois, *La Vie en France au moyen âge . . . d'après des romans mondains du temps* (1924), pp. xxvi, 36 ff., 72 ff., 341 ff., and the introduction by L. Foulet to *Galeran de Bretagne* (1925).

[2] *Guillaume de Dôle* (ed. Servois: Soc. des Anciens Textes Français), pp. 135 ff.

[3] *L'Escoufle* (ed. Michelaut and Meyer: Soc. des Anciens Textes Français), p. 256. [4] *Guillaume de Dôle*, p. 44. [5] *Ibid.*, p. 18.

[6] See the testimony of Geoffroi de Beaulieu to Saint Louis' hospitality: in parliamentis et congregationibus militum et baronum, sicut decebat regiam dignitatem, liberaliter et largiter se habebat (*Historiens de la France*, XX, 12; so also Joinville (ed. N. de Wailly), p. 394).

[7] *Galeran de Bretagne*, pp. 78, 104; *Le Lai de l'Ombre* (ed. Bédier: Soc. des Anciens Textes Français), p. 35.

It will be convenient next to examine the use of the word in four chronicles, all written by contemporaries of Jean Renart and all dealing with contemporary history: the continuation of William of Malmesbury's *Gesta Regum* found in the *Liber de Antiquis Legibus*, written in Latin [1]; the history of William the Marshal, in French verse [2]; the history of the kings of England [3] and the chronicle of the kings of France,[4] both perhaps by the same author [5] and both written in French prose. The first of these writers gives the name of parliament to the meeting which was held at Bonmoulins in 1188 between Philip Augustus, Henry II and Richard.[6] Again he uses the word for the meeting at Staines in August 1215, where the bishops and barons waited in vain for king John: perhaps we can perceive in his choice of words the implication that it is in parliament that a king should meet his barons.[7] The historian of William the Marshal also gives the name of parliament to meetings between the kings of England and France,[8] as well as to a parley between Louis of France and the Marshal and their parties,[9] and to a parley or conversation between

[1] *Liber de Antiquis Legibus* (Camden Soc.), p. 197. I incline to think that this was written not much later than 1217; one passage, which looks like an insertion (p. 204), refers to 1225.

[2] *L'Histoire de Guillaume le Maréchal* (Société de l'histoire de France: 1891–1901).

[3] *Histoire des Ducs de Normandie et des Rois d'Angleterre* (Soc. de l'histoire de France: 1840).

[4] *Chronique française des Rois de France par un anonyme de Béthune* in *Historiens de la France*, XXIV, 754 ff.

[5] The same author appears to have written both the *Histoire ∴ . des Rois d'Angleterre*—the *Histoire des Ducs de Normandie* is borrowed matter —and the *Chronique des Rois de France*. See *Mon. Hist. Germ. Scriptores*, XXVI, 699, and *Historiens de la France*, XXIV, 751 ff.

[6] *Liber de Antiquis Legibus*, p. 199.

[7] *Ibid.*, p. 202: apud Stanes captum est parlamentum, ubi predictus Archiepiscopus et fere omnes Episcopi Anglie et predicti Barones convenerunt et fecerunt ibi moram per tres dies continuos. Idem vero Rex absentavit se et noluit ibi venire.

[8] *Guillaume le Maréchal*, I, 301, 322 (meetings between Philip Augustus and Henry, May 1188, July 1189); II, 46 f. (proposed meetings between Philip Augustus and Richard, 1198–9), 68 (meeting between Philip Augustus and John, 1201).

[9] *Ibid.*, II, 273, 277.

four people.[1] But he uses the word further for an assembly of the knights and men of the earl in Ireland,[2] and for the meeting at Worcester in March 1218, at which Llewelyn did homage and which was attended by the legate, bishops, earls, barons and sheriffs.[3] The usage of the writer of the *Histoire des Rois d'Angleterre* is similar to that of the other two writers. It is however notable that the assembly of barons at Soissons called by Philip Augustus in April 1213, is termed a parliament,[4] as is also the meeting at Staines in June 1215, at which king John "gave his charter to the barons."[5] The word is applied too to a meeting at Reading in December 1213, "entre le roi et le clergie,"[6] a meeting which seems to have been attended by the magnates,[7] and also to a meeting of king and barons early in 1215.[8] *Parlement* is equally used for meetings of the barons opposed to John,[9] for meetings between Louis and the legate,[10] for various meetings for negotiating peace,[11] and for a final gathering at Canterbury where the legate imposed penances upon Louis and his followers.[12] As we should suppose, the *Chronique des Rois de France* shows a similar usage: the assembly at Soissons in 1213 is a parliament,[13] and a meeting at Winchester between Louis and the legate.[14]

Another contemporary chronicler, Geoffroi de Villehardouin, employs *parlement* for an assembly of crusaders[15] and a similar usage is found in Arnold fitz Thedmar's chronicle written fifty years or so later.[16] We also find the

[1] *Ibid.*, II, 191: N'ont que ces quatre al pallement.
[2] Summoned by Meiler fitz Henry the justiciar; *ibid.*, II, 129, 131.
[3] *Ibid.*, II, 279. Cf. p. 282, l. 17872, where the word is applied to an assembly held after Michaelmas, 1218; see the note to this passage, *ibid.*, III, 252.
[4] *Histoire des ducs de Normandie et des rois d'Angleterre*, p. 120.
[5] *Ibid.*, pp. 149 f. This is, of course, the "parleamentum de Runemede" of the Close Roll (*Close Rolls* (1242–7), p. 242).
[6] *Ibid.*, p. 125. [7] Wendover, *Chronica* (ed. Coxe), III, 276.
[8] *Histoire . . . des Rois d'Angleterre*, pp. 146 f.
[9] *Ibid.*, 145. [10] *Ibid.*, pp. 176 f. [11] *Ibid.*, pp. 197 ff. [12] *Ibid.*, p. 205.
[13] *Historiens de la France*, XXIV, 765. [14] *Ibid.*, 772.
[15] *La Conquête de Constantinople* (ed. Bouchet), pp. 10, 30.
[16] *Liber de Antiquis Legibus*, p. 131.

word used in the same period for a legatine council in 1240 [1] and a meeting of convocation in 1264.[2] And one who was writing early in the fourteenth century but whose mind and language were formed in the thirteenth, Jean, sire de Joinville, was still using *parlement* with at least three meanings. He speaks of the parliament held by the barons at Corbeil in 1227, a meeting which was certainly not held with any legal authority.[3] And when he is relating how, to escape the jealousy and vigilance of queen Blanche, king Louis and queen Marguerite used to meet secretly on a privy stair in the palace at Pontoise, Joinville says that they held their parliament there—" il tenoient leur parlement." [4] But he also speaks of parliaments which are undoubtedly judicial sessions of the king's court.[5]

It is clear, of course, that behind these varied meanings there is a common concept : where there is parliament there is conversation, discussion, debate. And a parliament which is at the same time a court is one at which, originally at all events, there is discussion or debate, at which there is something like free speech and free speaking. Such a court is of a very exceptional kind : and if it looks very much like a modern parliament, it looks rather unlike the ordinary court of law, modern or mediæval, or such a parliament as is described for us in the *Stilus Curie Parlamenti* of Guillaume du Breuil, the *parlement* of Paris as it existed in the third decade of the fourteenth century.[6] But by that time the *parlement* had developed into something different from what it had been in the days of Saint Louis. There was much that was patriarchal about Saint Louis' justice : the descriptions that his contemporaries have given us leave no doubt of the intimacy of king and subject in his parlia-

[1] *Annales Monastici* (Theokesb.), I, 116 ; this may not be strictly contemporary.

[2] *Bishop Bronescombe's Register*, p. 218.

[3] *Histoire de Saint Louis* (ed. N. de Wailly, 1874), p. 42.

[4] *Ibid.*, p. 332. [5] *Ibid.*, pp. 370, 394.

[6] This treatise was completed by May 1332 ; see Introduction, p. vii, to Aubert's edition.

ments [1]; and there is still intimacy, or at least informality, in the parliaments of Edward I [2] and, it is to be supposed, in the parliaments of Henry III, however much charged these parliaments may be with legal and administrative business. But already these parliaments have a long history behind them; the forces which were to change the parliaments of Louis IX and Henry III almost out of recognition had already been at work for many years. The parliaments of Philip Augustus, of Henry II and their contemporaries, had been great councils, plenary meetings of a feudal court, called for the purpose of discussing matters of exceptional importance: so much at least the chroniclers tell us. If perhaps justice was administered at these assemblies, it was, we may be sure, justice of a very exceptional kind.[3]

The word parliament slowly made its way into formal and official documents. At first it was regarded as vulgar or at least inelegant, a bad substitute for *colloquium*,[4] and therefore, however frequently poets or chroniclers might use the word, it is not to be expected in official documents of the highest class until men had become accustomed to its

[1] Besides Joinville's well-known description (*Histoire*, ed. Wailly, p. 370; Langlois, *Textes relatifs à l'histoire du Parlement*, pp. 80 ff.) and Geoffroi de Beaulieu's statement of how Louis entertained his barons at his parlements (*Historiens de la France*, XX, 12), we have such anecdotes as that told by Guillaume de Chartres of the overdressed lady who, on the occasion of one parlement, with a few others went with the king from the *curia* to the *camera* (*ibid.*, XX, 33), and that told by Guillaume de Saint Pathus of the arrest of the comte de Joigny "en un plein parlement" at the king's order (*Vie de Saint Louis* (ed. Delaborde), p. 148).

[2] Cf. *Parliamentary Writs*, I, 131 f.: a petitioner hands a petition to Edward himself; *Year Book* 3 *Edward II* (Selden Soc.), p. 196: Bereford's story of a parliament of Edward I.

[3] Cf. Stubbs, *Constitutional History*, I, 645 ff. For a case under John see p. 153 below. For France, see the cases collected by Langlois, *Textes relatifs d l'histoire du Parlement*, pp. 21 ff.; but not all of these seem to have come before plenary meetings of the court. Cf. Luchaire, *Histoire des Institutions Monarchiques*, I, 310. The story of the wicked seneschal told by Jean Renart (above, p. 139) also suggests that it was in exceptional cases only that judicial functions were exercised in parliament.

[4] "Colloquium quod vulgo dicitur parlamentum": Iohannes de Ianua, *Catholicon*, s.v. colloquium. Note that here the word is equated with both *consilium* and *concio*.

use. It will not, however, have been overlooked that writers about the year 1200 seem to have taken it as a matter of course that lords of every degree might hold parliaments—not only parleys but parliaments that were, in the formal sense, courts. And the earliest official documents which use the word with this meaning come from minor lordships.

About the year 1210 William de Hauville confirmed to the abbey of St. John at Colchester certain lands and their appurtenances : the boundaries were delimited by dikes and marks and these had been formally pointed out in a parliament held by the abbot and William. This parliament looks like a court : there are prud'hommes, *probi homines*, present who are expressly mentioned. It may be the court of the abbot or a joint meeting of the abbot's court and William's : but the scribe had very little Latin and he is not very successful in conveying his meaning.[1] Not many years earlier or later William the Marshal was granting a charter to his burgesses of Haverford, and in it he requires them to come in a body to his parliament or to his host whenever he or his bailiff shall hold the one or summon the other : the burgesses may leave behind only sufficient men to keep the town safely.[2] And not many years later again Gilbert de Clare, earl of Gloucester and Hertford, was granting a charter to the abbey of Margam, and again there is mention of parliament and host. It seems that those coming to the one or the other had imposed upon the hospitality of the abbey : henceforth the abbey was to provide bed and board only according to the ancient customs and assizes as they had been observed in the time of the earl's ancestors.[3] Fortunately we know something of this parliament in the time of Richard de Clare, Gilbert's son.

[1] *Colchester Chartulary* (Roxburghe Club), II, 355. Since William fitz Fulc, " vicecomes Essexe ", is a witness, the charter must be dated 19 May, 1208–29 September, 1213, between which dates he acted as substitute or under-sheriff for Aubrey de Vere.

[2] *Cal. Charter Rolls*, IV, 327 ; see also *Archaeologia Cambrensis*, 4th Series, X, 96 f. ; *ibid.*, Original Documents, II, xxxviii.

[3] *Cartae de Glamorgan*, II, 360 (No. ccclxi).

It was a meeting of the court of the county (we cannot call it a county court) and clearly a specially full meeting of the court at which the earl is likely to be present as well as other exalted persons: at one such meeting the earl had ordered a local baron to be arrested on a charge of treason, and it is because of that quarrel, which came into the king's court, that we get some detailed knowledge of the earl's parliament.[1]

It is of interest to compare these local Welsh parliaments and the duty imposed upon the burgesses of Haverford to go "ad parliamentum vel in exercitum" with the contemporary local parliaments in Italy and the duty imposed upon Italian townsmen in almost identical words.[2] And it is well to realize that we have to do with a development common to Western Europe, to such widely different environments as the Welsh marches and the states of the Church.[3]

It was not long before the word parliament began to creep into royal records. In 1234 it appears in accounts of royal officers in France[4]: in 1242 it appears on the English close roll[5] and in 1248 on the memoranda rolls of the

[1] *Curia Regis Roll*, No. 159, mm. 2, 10 f. Partly printed *Cartae de Glamorgan*, II, 547, and *Archaeologia Cambrensis*, 4th Series, IX, 241, from partial transcript in Cott. MS., Vitellius C.X. See also *Cartae de Glamorgan*, II, 543, 562.

[2] Cf. A. Theiner, *Codex Diplomaticus Dominii Temporalis S. Sedis*, I, 35 (No. xliii): tam vos quam omnes qui sunt de vestro districto, nobis et successoribus nostris et ecclesie Romane fidelitatem curabitis universaliter exhibere, expeditionem, parlamentum, pacem et guerram ad mandatum nostrum et legatorum et nuntiorum nostrorum per totam Marchiam bona fide iuxta proprias facultates vestris expensis facere. . . . This is dated 23 November, 1200. For later documents see *ibid.*, 41, 129; *Mon. Hist. Germ. Epistolae Saeculi xiii e registris Pontificum Romanorum*, I, 507; III, 107, 499, note 5. Cf. A. de Boüard, *Le Régime politique et les institutions de Rome au Moyen Age*, p. 214.

[3] I do not, of course, suggest that there were close similarities in detail. For an account of the *parlamento* of Friuli see Pertile, *Storia del Diritto Italiano*, I, 342 ff. For the *acta* of this parliament see P. S. Leicht, *Parlamento Friulano* (R. Accademia dei Lincei): the first mention of *parlamentum* in these documents seems to be in 1290 (No. xxvi).

[4] *Historiens de la France*, XXI, 233, 238.

[5] *Close Roll* (1237–42), p. 447.

exchequer.[1] In all these cases parliament has the meaning of the king's court. In 1247 it appears in the accounts of the count of Poitiers,[2] for he had a parliament resembling that of king Louis his brother. By the middle of the thirteenth century *parliament* was well on its way to make its fortune. It appears, in the technical sense of a special meeting of a king's court, more and more frequently in official records and more and more frequently in chronicles.[3] Nevertheless for some time *colloquium* was preferred by the fastidious. It is probable that in this way we can explain the curiously fluctuating usage of the English chancery in the latter years of Henry III. On the same close roll the parliament of Oxford is *parleamentum* and *colloquium*.[4] Similarly it was not possible for the English chancery to speak consistently of the Scottish king's parliament either as *parleamentum* or *colloquium*.[5] Again it is but rarely in the thirteenth century that parliament is mentioned in a writ of summons to parliament: of all the writs issued for the Hilary parliament, 1265, only those to the Cinque Ports appear to have contained it.[6]

[1] E. 368/20 (L.T.R. Mem. Roll, 32 Hen. III), mm. 4, 13.

[2] *Comptes d'Alfonse de Poitiers* (ed. Bardonnet: Archives historiques de Poitou, IV), pp. 158, 160, 170. Cf. Borrelli de Serres, *Recherches sur divers services publics*, I, 292 f.

[3] Among the St. Albans chroniclers Wendover scrupulously employs the word *colloquium*: his successor Matthew Paris has no hesitation in using the more popular word, although he seems never to have translated Wendover's *colloquium* into *parlamentum* in the chronicle he took over and revised. See the fifth volume of Coxe's edition of Wendover where Paris' alterations and additions are set out; see also *Modern Language Review*, IX, 92 f., for some remarks by A. B. White upon Paris' use of the word. In Appendix I will be found a number of references from chroniclers for the years 1258–1272: I have omitted any notice of so-called parliaments which do not appear to be technically such.

[4] *Close Roll*, No. 73 (42 Hen. III), mm. 7, 8 (*parleamentum*), 7*b* (*colloquium*). Similar variations will be found in writs connected with the Easter parliament, 1260 (*Close Roll*, No. 76, mm. 1, 1*b*, 2, 2*b*).

[5] See *Scottish Historical Review*, XXV, 300 f. Add to the references there cited a letter to the sheriff of Yorkshire which speaks of "parleamentum suum captum apud Edeneburg'" (*Close Roll*, No. 73, m. 8*b*).

[6] *Lords' Report on the Dignity of a Peer*, III, 32 ff. For the later usage, see *Bulletin of the Institute of Historical Research*, VI, No. 17.

But despite the objections of the old-fashioned, *parliament*, as we know, not only won its way into favour but became particularly attached to the *curia regis*. This transition we may illustrate by some rather curious London documents. In 1267 Henry III had forbidden that any should assemble parliament, conventicles or congregations whereby the king's peace or the peace of the city might in any wise be disturbed.[1] From two cases in the mayor's court in 1299 we may learn unmistakably what such a parliament was that the king reproved: in the first case, a carpenter is charged with gathering together a parliament of carpenters at Milend, the purpose being to oppose a city ordinance touching their craft[2]; in the second, seventeen smiths were charged with making a parliament and confederacy in contempt of the king and to the harm of the city. The purpose of this latter confederacy seems actually to have been that of an ordinary craft gild and the defendants were discharged: but for our purpose this is the significant fact, the prosecution founded their case upon the custom of England whereby no parliament relating to the kingdom can take place without the king and his council.[3]

But while it is true that by parliament, men by the fourteenth century came naturally and usually to mean special sessions of the court of a king or some great lord,[4] yet this was not its sole meaning even in official documents. We may note in passing the employment of the word for the general assembly of the moneyers of the oath of the

[1] *Liber de Antiquis Legibus*, p. 98.

[2] *Calendar of Early Mayor's Court Rolls*, p. 25.

[3] *Ibid.*, p. 33.

[4] There were, of course, several such in Italy. Besides those instances mentioned above (p. 144, notes 2, 3), parliament *eo nomine* is found in Monferrat in 1305 (A. Bozzola, *Parlamento del Munferrato* (R. Accademia dei Lincei), p. 3). In France there was the rather curious episode of the parlement of Charroux, instituted by Charles the Fair after he became comte de la Marche in 1314. It disappeared on his accession to the throne in 1322. See A. Thomas, *Les Archives du comté de la Marche* (*Bibliothèque de l'École des Chartes*, XLII, 40 f.) and *Le comté de la Marche et le parlement de Poitiers*, p. lix.

Empire, a corporation that for authenticating its official acts used a common seal with this inscription, "Sigillum Magnum Comune Parlamenti Generalis Constituti"[1]: and we may think how, but for the jealousy with which the name was reserved for the king's parliament, our city corporations might be calling certain of their meetings "parliaments." Another official usage very widespread, if not universal, was to give the name of parliament to meetings of potentates or representatives of different states or communities, especially meetings in a march or on the border. This usage certainly dates from the middle of the thirteenth century, since we find the word applied to the meetings between Alexander II of Scotland and Richard, earl of Cornwall, in 1244,[2] and to meetings between Llewelyn and the justice of Chester and other English representatives from 1256 onwards.[3] Later we hear of *dies parliamenti* in the Welsh march which are also called *dies amoris* or *dies Marchiae*, that is meetings for the purpose of composing differences between marcher lords.[4] About the same time the kings of France and Castile are stated to have held their parliament solemnly for six days and more.[5] In Ireland parliaments are held between English lords and Irish chieftains under march law.[6] These are but a few examples out of a large number that could be cited, since the usage continued into the sixteenth century.[7] It is easy to see how the usage originated from the examples which have

[1] *Revue Numismatique* (1844), pp. 104 ff.; *Annuaire Soc. française de Numismatique*, XIX, 108 ff.

[2] *Close Rolls* (1242–7), p. 221; *Cal. Patent Rolls* (1232–47), p. 434; *Cal. Docts. Scotland*, I, 300 ff.

[3] *Foedera*, I, 339, 526; Shirley, *Royal Letters*, II, 329; *Liber de Antiquis Legibus*, p. 95.

[4] *Abbreviatio Placitorum*, p. 226; *Cartae de Glamorgan*, III, 869.

[5] Historical Manuscripts Commission, *Report on Various Collections*, I, 257.

[6] *Cal. Judiciary Rolls* (33–35 Edw. I), p. 385; Historical MSS. Commission, *Tenth Report*, App. V, 257, 260; *Early Statutes of Ireland*, pp. 378, 448.

[7] As Professor Pollard has pointed out: *Evolution of Parliament*, p. 32 note.

been given from twelfth-century and early thirteenth-century writers. It is easy also to see the affinities between these solemn meetings for the settlement of disputes and the solemn meetings of the king's court consecrated to the settlement of internal discords and disagreements in the widest sense.[1] Nevertheless we are not to suppose that there was necessarily confusion in the mediæval mind between distinct institutions as they evolved and emerged in the thirteenth and fourteenth centuries. Nor can we impose our own categories upon mediæval institutions and give and refuse the name of parliament because some assembly fulfils or fails to fulfil some fancied requirement imagined by a later age. Taken in its context mediæval usage, at least in official records, is as a rule sufficiently precise and technical. Chroniclers, it is true, are more loose in their terminology: but we do not rely upon chronicles for legal technicalities if we are wise.

II. The Court

Stress has often been laid upon the differences between the parliaments of different countries in Western Europe and in particular between the parliament of England and the parlement of Paris. Differences did indeed become marked in the course of the fourteenth century, but certainly in the thirteenth century contemporaries do not seem to have been struck by the differences between parliament and parliament.[2] We cannot perhaps lay much emphasis

[1] A letter from archbishop Giffard to the Pope in 1271 is very pertinent: quinimmo parliamentis secularibus oportebit frequentius intendere, iracundie tempora mitigare, reconciliare discordes et que pacis sunt, cum ordinatione regni, pro viribus procurare (*Letters from Northern Registers*, p. 36).

[2] Very early in the fourteenth century Pierre de Saint Pol, a citizen of Bayonne, is saying that he has "sui ceste besoigne . . . iiij ans a touz les parlementz Dengleterre et de France": Ancient Petitions, No. 14,432. For this important case which illustrates the conflict of jurisdiction arising out of the Treaty of Paris of 1259 and the difficulty of the position of the French subjects of the English king, see *Cal. Chancery Warrants* (1244–1326), p. 398; *Cal. Close Rolls* (1313–18), p. 181 (1318–23), p. 390.

upon the manner in which the name of parliament was caught up and applied to one body after another, although this has some significance. But when we find such a man as Humbert de Romans, Master General of the Dominican Order, the contemporary of Saint Louis and Henry III, grouping all parliaments together and prescribing the same kind of sermon to be delivered before them all,[1] we are justified in believing that they all looked very much alike. It is the custom, he says, for great kings to hold parliaments at appointed times every year at which assemble many counsellors and many of the worldly great and many prelates. These parliaments are held for three chief purposes: that there the more important public affairs may after more searching consideration be the more wisely resolved; that there account may be rendered[2] by the ministers of the realm; and that there order may be taken for the good government of the realm.[3] He goes on to review the shortcomings to be found in parliament against which sermons may be preached: the crookedness of counsellors, biased judgements, the difficulty of obtaining justice, the denial of audience to the poor, the protection of evildoers and, in particular, evil ministers, the corruption of gifts, favouritism and malice. "Nay, how shall such a court correct the ills of the whole realm, unless it shall first be itself corrected?" Doubt has been cast upon the historical value of this pas-

[1] *De Eruditione Praedicatorum*, lib. II, tract. ii, c. 86, in La Bigne, *Maxima Bibliotheca Veterum Patrum* (1677), XXV, 559.

[2] "Ut ratio ibi reddatur": on this passage see Borrelli de Serres, *Recherches sur divers services publics*, I, 337. He argues, against Lecoy de la Marche and Ch. V. Langlois. that this has reference not to a financial account but to a report, *compte rendu*, by public servants of their administration. However little this passage may fit the parlement of Paris, if *ratio* is taken in the former sense, it might be argued that it would apply to the parlements of Alfonse of Poitiers which synchronized with the *compoti* (Molinier, *Correspondance administrative d'Alfonse de Poitiers*, II, liv. f.) and to English parliaments until the meeting of which the settlement of accounts was not infrequently adjourned from 1248 onwards (below, p. 154).

[3] "Ut ibidem ordinetur de Regno quod fuit ordinandum."

sage—subject-heads for a sermon [1] : but, as we shall see, friars were busy in thirteenth-century parliaments [2] and passed from one to another. And parliaments were public assemblies which gave opportunities for such things as the preaching of sermons and the publication of sentences of excommunication, and men saw no incompatibility in the intermixture. As evidence there may be vouched, on the one hand, the instructions addressed by pope Clement IV in 1266 to the papal legate, Simon cardinal of St. Cecilia's : when it shall befall that he is present in solemn parliaments at Paris or elsewhere he is to publish the sentences of excommunication against those who have taken up arms against the king of England or in other ways disturbed that realm.[3] On the other hand, we have the entry in the diary of Eudes Rigaud noting his sermon at the parlement at Paris [4] and the well-known practice of preaching in the parliaments of fourteenth-century England.[5]

We can then, I suggest, safely accept Humbert de Romans as a reliable witness, the more so since there is a considerable amount of evidence from record sources testifying to the similarity of thirteenth-century parliaments of different countries even in points of detail.[6]

Now whether he was writing, as seems to be assumed, towards the close of his career in the sixties or seventies

[1] Borrelli de Serres, *loc. cit.* : sujet d'homélie, qui ne peut d'ailleur guère passer pour une source historique.

[2] Humbert himself seems to have sat as a member of the court in the parliament of the Nativity of Our Lady, 1258 : Echard, *Scriptores Ordinis Praedicatorum*, I, 148.

[3] Summaries will be found in *Registres de Clément IV* (ed. E. Jordan), p. 125, No. 426, and *Cal. Papal Letters*, I, 434. A transcript is in Add. MSS., 15,362, No. 92.: I quote the relevant passage (f. 344*b*) : " Quocirca mandamus quatinus huiusmodi excommunicationum sententias in sollempnibus Parlamentis, quibus Parisius et alibi te interesse contigerit per te ipsum sollempniter publices, et per alios in omnibus locis in quibus expedire videris et precipue in locis marittimis, seu mari uicinis facias publicari." Similar instructions were given to the archbishop-elect of Reims and the archbishops of Rouen, Tours, Bourges and Sens.

[4] *Regestrum Visitationum* (ed. Bonnin), p. 312.

[5] Stubbs, *Constitutional History*, III, 442 f. ; *Modus Tenendi Parliamentum* (ed. Hardy), p. 31.

[6] See below, p. 165 ff.

of the century, or whether his treatise for the instruction of preachers was written at some earlier period of his life,[1] there is no doubt that Humbert was describing a new thing —very new if the book was the fruit of his early maturity : for parliaments, in the form in which he presents them, were unknown in the earlier decades of the thirteenth century.

Throughout Western Europe it had been the custom for kings to hold solemn courts at the great festivals of the Christian year : there they wore their crown and there they took counsel. In England the practice was finally discontinued by Henry II,[2] but in France the custom lingered on and in 1182 it still seems to be contemplated that the bishop of Beauvais may go annually to three courts of the French king.[3] Perhaps too it was the strength of this tradition which determined Philip Augustus a few years later, on his departure for the crusade, to provide that three times a year during his absence a special court should be held at Paris by the queen and the archbishop of Reims, when the complaints of the people should be heard. It is quite clear that what were contemplated in especial were complaints against the *baillis* who were to be present to report upon the affairs of their districts.[4] But although we have here an institution which in some respects resembles the later parlement, no direct connexion can be traced. The arrangements were purely temporary and provisional during the king's absence, and such notices as we have of meetings of the king's court in the early thirteenth century do not suggest the continuous existence of an organisation of the

[1] Mortier (*Les Maitres Généraux*, I, 659) states definitely that most of his works were written after his resignation, *i.e.* between 1263 and 1277. This is probable, but direct evidence seems lacking.

[2] Stubbs, *Constitutional History* (1897), I, 399 f., 603.

[3] *Actes de Philippe Auguste* (ed. Delaborde), No. 53. It is, however, to be noted that the clause dealing with this point is, like others, repeated from a charter of Louis VII, of 1144–5 : see Antoine Loisel, *Memoires . . . de Beauvais* (1617), pp. 271 ff. ; Luchaire, *Actes de Louis VII*, No. 138. Cf. Luchaire, *Histoire des Institutions Monarchiques de la France* (1891), I, 263 f. ; Pfister, *Études sur le règne de Robert le Pieux*, p. 149.

[4] *Œuvres de Rigord et de Guillaume le Breton* (Société de l'histoire de France), I, 101.

kind.[1] In England the position was similar : from time to time specially full meetings of the king's court were summoned, but, so far as we can perceive, upon no definite plan and at no stated terms, and principally it would seem for political business.[2] But very early in the thirteenth century we have evidence to show that such afforced meetings of the *curia regis* might not only deliberate upon political questions but hear also actions at law which the court ordinarily attendant upon the king had not ventured to determine. In 1204 there was a dispute between William the Marshal, the countess of Meulan and the earl of Devon concerning the ownership of the manor of Sturminster. Perhaps it was because the parties were important people that the action was heard before the king himself : but the story was a tangled one and a decision was difficult, so the king adjourned the parties until the morrow, when they were to have right by counsel of his court. The Marshal appeared on the morrow (2 July) and again on the fifth day : the others did not appear. The king turned to his counsellors for advice, but they protested that they were so few and the circumstances so unusual that it would be better to defer the whole matter until the morrow of the Assumption (16 August) when the archbishop and the other great and wise men of the land would be able to be present. Finally a day seems to have been given to the parties for Thursday after the Assumption (19 August).[3] Now upon that date there was an important meeting at Worcester, which apparently lasted several days, and to it came Llewelyn, prince of North Wales, and Madog ap Gruffydd

[1] Cf. Borrelli de Serres, *Recherches sur divers services publics*, I, 290. See also the cases collected by Ch. V. Langlois, *Textes relatifs à l'histoire du Parlement*, pp. 30 ff. Minor cases did undoubtedly find their way to the king's court, but not apparently in any systematic way nor presumably especially for consideration at a solemn or plenary meeting of the court : cf. *Historiens de la France*, XXIV, 284 f. (case in 1237), 389 (case in 1239–41). On the distinction between the ordinary and plenary sessions of the king's court, see Luchaire, *Histoire des Institutions Monarchiques*, I, 310.

[2] Cf. Stubbs, *Const. Hist.*, I, 612.

[3] *Curia Regis Rolls*, III, 124, 147.

under safe conduct in the company of the Marshal and the earl of Salisbury.[1] There can be little doubt that here we have an example of the conjuncture of political and legal business at a plenary meeting of the *curia regis*.

As early as 1242 we have a writ upon the close roll in a form which later in the century will become very familiar : the writ permits John de Nevile to hold the bailiwick of Shotover and Stow Wood until the forthcoming parliament at London.[2] This writ was perhaps not exceptional even at that time ; but we seem to have no more writs of the kind recorded until 1248, when we may find a writ upon the close roll directing that a distress is to be respited until the parliament on the octave of Candlemas,[3] and also writs in similar terms noted on the memoranda rolls of the Exchequer.[4] Such writs are not, however, very frequently recorded for a good many years.[5] But these documents, however infrequently they may be enrolled, do point to a growing practice of referring to specially full meetings of the king's court, meetings that are coming to be termed parliaments, legal and administrative matters of detail as well as broad questions of politics or legislation.

This, of course, is a feature which was preserved in the organized parliaments of the later thirteenth century : but when we seek to draw the links closer between these parliaments and the institutions of the twelfth century and early thirteenth century we find that the chain of evidence is difficult to complete. Partly, doubtless, this is due to the carelessness of record-makers and to the disappearance of many records that were made, but chiefly perhaps because some new elements were necessary to create an institution

[1] *Rotuli Litterarum Patentium*, p. 44. See also *Law Quarterly Review*, XLIV, 116 f.

[2] *Close Roll* (1237–42), p. 447.

[3] *Ibid.* (1247–51), p. 104.

[4] E. 368/20 (L.T.R. Mem. Roll, 36 Hen. III), mm. 4, 13.

[5] They appear to have been enrolled very unsystematically : references to a number under Henry III will be found in Appendix I. They do not, however, appear in any large number until after the accession of Edward I : cf. *Bulletin of the Institute of Historical Research*, V, 129 ff.

which, however much it might owe to the ideas of the past, owed much more to the circumstances and genius of the thirteenth century.

The step to be explained is the transition from the occasional plenary sessions of the king's court held at no regular intervals to the regular and ordered meetings described by Humbert de Romans, to which the name of parliament is applied and which we find in existence from the middle years of the thirteenth century. The explanation has been advanced that in France this step was taken deliberately by Saint Louis with a view to checking the corruption and misgovernment of the *baillis*, the evils of whose rule were disclosed in the great inquisitions of 1247 and 1248. According to this view the oversight which the king's court had exercised over local administration was no longer to be merely occasional and spasmodic but regular and ordered. Hence the regular sessions of the court, at first usually four times a year, to which the name of parliament becomes affixed.[1]

This may not be the whole explanation of the development of the parlement, but it seems to be a very large part of it. And the explanation appears to apply *mutatis mutandis* to England as well as to France. The first demand for regular parliaments in England, so far as we know, appears in the Provisions of Oxford of 1258,[2] where it is to be found side by side with a scheme for redressing the evils of local misgovernment. Although the actual task of redressing these evils fell upon the justiciar, yet he found it necessary to refer a number of difficult cases, perhaps a considerable proportion of cases, to parliament.[3] The same idea that parliament exists to redress the evils which the

[1] Borrelli de Serres, *Recherches sur divers services publics*, I, 290 f.

[2] Cf. Bémont, *Simon de Montfort*, p. 351 : Le conte dit que en la commune porveance fete par le roy et par son conseil est porveu que trois parlemanz soient tenuz par an. The inference is that this requirement of the Provisions of Oxford was a new departure.

[3] I have drawn attention to this point in a previous volume of the *Transactions*, IV Series, V, 56 ff. : other cases, besides those there mentioned, will be found in Assize Roll, No. 873, mm. 6, 7. I strongly suspect that cases marked "Loquendum cum Rege" or "Loquendum," where

ordinary courts cannot redress occurs again in the early years of Edward I. The statute called Rageman conceives of parliament as the centre of a system for repressing lawlessness and especially the abuse of power by "bailiffs." The general scheme of the statute is to give immediate relief to those who have been wronged, by sending justices on a special commission and by devising a special procedure outside the common law, and further to provide for bringing the offenders before the king in parliament when the justices also will have presented the results of their enquiries.[1] This statute is of uncertain date but comes from the period 1276 to 1278.[2] It was followed in 1285 by the statute of Winchester which required the justices to report to the king in parliament breaches of the provisions for maintaining the peace.[3] The idea reappears under Edward II. In December 1309 special commissioners are appointed in each county to enquire into cases of tortious prises and gifts exacted from those spared from prisage: they are to hear complaints and to submit reports to the council in parliament the following February, when also those found guilty are to appear.[4] Again the Ordinances of 1311 lay stress upon the hearing in parliament of wrongs done by the king's ministers and of breaches of the law committed by them.[5] It is very dubious whether any of these measures was very effective. By the fourteenth century, perhaps already in the closing years of the thirteenth, such a conception of parliament was obsolescent: but the idea and its persistence are important when we are considering the origins of parliament.

there is no specific reference to parliament, not infrequently found their way there: Mr. E. F. Jacob believes such cases went to the council (*Studies in the Period of Baronial Reform and Rebellion*, p. 53), but this does not exclude a decision in parliament.

[1] *Statutes of the Realm*, I, 44.

[2] Cam, *Studies in the Hundred Rolls*, pp. 41 f.

[3] *Statutes of the Realm*, I, 98. Cf. Ryley, *Placita Parliamentaria*, pp. 451 ff.; *Cal. Patent Rolls* (1281–92), pp. 264 f.; *Bulletin of the Institute of Historical Research*, V, 134 f.

[4] *Parliamentary Writs*, II, ii, App. 24 f.: *Cal. Patent Rolls* (1307–13), pp. 248 ff., where the reference to parliament is omitted.

[5] *Rotuli Parliamentorum*, I, 285 f., Nos. 29, 40.

There is no doubt that in France regular sessions of the parlement on an ordered scheme began about the middle of the thirteenth century : the number of sessions gradually diminished with the pressure of business : session ran into session until finally in the fourteenth century one single session covered the whole legal year. This regular order was liable to be disturbed during periods of warfare or when there were other distractions such as a royal marriage, but it was always resumed.[1] In England also there is no doubt that parliaments were held on a regular scheme of Easter and Michaelmas sessions in the early years of Edward I,[2] and there is little doubt that this arrangement was founded upon the tradition of Henry III's reign, although the years of civil strife and the difficulties of settlement after Evesham were not favourable to the maintenance of a regular uninterrupted sequence of parliaments. Still, broken as the sequence might be, there is no question that in the later years of Henry III's reign it was the rule to hold several parliaments a year.[3]

It is not at all unlikely therefore that in its origin the English parliament owes something to ideas borrowed from France, although it is of course true that like problems in countries sharing a common civilization may suggest like remedies. There cannot, however, be much doubt that other parliaments which were held periodically at regular sessions owe a great deal to conscious imitation, whatever differences in detail there may be. It is inconceivable that the parliaments of Alfonse of Poitiers do not owe much to the parliaments of his brother Saint Louis, however many may be the minor differences.[4] The parliaments of Ireland

[1] Langlois, *Textes relatifs à l'histoire du parlement*, pp. 229 ff. ; Ducoudray, *Les origines du parlement de Paris*, pp. 50 ff.

[2] *Bulletin of the Institute of Historical Research*, V, 133 ff., 151 f.

[3] See Appendix I.

[4] As against Boutaric, Molinier insists upon the differences between the parlements of Saint Louis and Alfonse (*Correspondance Administrative*, II, xxvi ff.) : he concludes (p. lxv) " ce parlement d'Alfonse est bien plutôt un corps administratif qu'un organe judiciare."

are unquestionably modelled upon those of England [1]: and the parliaments of Scotland not improbably owe a great deal to the same source.[2] But we cannot perceive any feature in the parliaments of the Empire—even although there are close similarities in detail [3]—which we can suppose to have been borrowed from elsewhere. Why then, we may ask, was the word parliament ever applied to those assemblies which we more usually term "diet" and the Germans "Reichstag"?

Now, not only was parliament a court wherein personal wrongs were righted, but it had more general functions. This is well brought out in a letter addressed by Henry III in February 1260 to the council in England when he protested against a parliament being held in his absence. He refused his consent, but added that the justiciar to whose keeping the kingdom had been committed might, with their counsel, dispense universal justice (*iustitia communis*) to all and singular, provided that no new departure or law (*noua mutatio siue ordinatio*) was made in the kingdom without the king's presence and assent.[4] Obviously it was recognised at that time that parliament had a dual function: the dispensation of the highest justice on the one hand; on the other, changes or reform in administration and law. It is possible that in requiring three parliaments a year the framers of the Provisions of Oxford had in mind a periodical review of administration: but in point of fact the burden of supervising administration fell upon the council and there is no evidence that parliament was greatly concerned with questions of detail, while it is clear that broad questions of policy and legislation were brought before it.[5] This concern

[1] Of early Irish parliaments there does not appear to be any adequate account in print. I can only refer to a forthcoming paper by Mr. G. O. Sayles and myself.

[2] Cf. *Scottish Historical Review*, XXV, 300 ff.

[3] For the Imperial parliaments of this period, see Ehrenberg, *Der deutsche Reichstag*, 1273–1378; see also below, p. 165.

[4] Shirley, *Royal Letters*, II, 155.

[5] For the activities of the council, see Powicke, *The Baronial Council* (1258–1260) in *Essays in Medieval History presented to T. F. Tout*, pp.

with what we may call politics was a feature common to all parliaments which have any claim to be called national, a characteristic to be discerned very much earlier than any attempt to use parliaments as a regular and ordered means of providing remedies for wrongs which would otherwise fail of redress or of obtaining counsel on difficult questions of administration.[1] This is a feature which the Reichstag shared in common with other national assemblies.[2]

It may be objected that the parlement of Paris was not a deliberative and political assembly, but was primarily and almost exclusively judicial in its functions : this indeed appears to be the view that holds the field to-day.[3] But I venture to suggest that this view is mistaken and derives really from the method employed in drawing up the surviving records of the parlement, those ancient registers which we know as the *Olim*. The *greffiers* responsible were interested only in legal precedents, and we can show from documents surviving in England that they could on occasion overlook entirely a session of the parlement at which political business was transacted. If we examine a table, such as that constructed by M. Ch. V. Langlois[4] or M. Ducoudray,[5] of the sessions of the parlement, we shall notice that in the year 1263, at a period when it was customary to hold four sessions a year, only three are recorded. Thus in the year 1261 there are sessions following Candlemas, Whitsun,

119 ff. For the position which parliament was intended to occupy our best evidence is provided by the Provisions of Westminster (*Annales Monastici* (Burton), I, 477 ; cf. Jacob, *Studies in the Period of Baronial Reform*, p. 373).

[1] This is not, of course, to say that legal decisions were not taken or administrative questions considered in exceptional cases at plenary meetings of the king's court : cf. Stubbs, *Constitutional History*, I, 401 ; Luchaire, *Histoire des institutions monarchiques*, I, 265 ff.

[2] Ehrenberg, *Der Deutsche Reichstag*, 61 ff.

[3] Borrelli de Serres, *Recherches sur divers services publics*, I, 296. Cf. Langlois, *Revue Historique*, XLII, 90 f. But see Ducoudray, *Les Origines du Parlement de Paris*, pp. 316 ff.

[4] *Textes relatifs à l'histoire du Parlement*, pp. 229 ff.

[5] *Origines du Parlement de Paris*, pp. 50 f.

the Nativity of Our Lady and Martinmas, and so also in the years 1260 and 1259.[1] In the year 1262 the Whitsuntide session was put off because of the celebration of the marriage of the king's son, and instead a session was held on the octave of the Assumption (22 August) which served also for the customary session in September after the Nativity of Our Lady. But in the year 1263 the session which should have taken place in September is altogether wanting.[2] Now it so happens that in that year Henry III was summoned to a meeting of the parlement of the king of France on the quinzaine of the Nativity of Our Lady: the session was held at Boulogne, apparently to suit Henry's convenience, for in the days of Saint Louis the parlement was not tied to any one town.[3] At that meeting there were discussed, so an English chronicler says, the details of a proposed crusade and the coronation of the French king's son[4]: and it was to this meeting that Simon de Montfort was summoned in a vain attempt by Saint Louis to effect a settlement of the differences between the earl and Henry.[5] Such business, however, did not interest the *greffier*, and no note of the Boulogne session is to be found in the *Olim*. Again, if we may trust an English chronicler, it was at an otherwise unrecorded parlement of the Assumption in 1269

[1] In this year the parlement sat at All Saints as well as at Martinmas: possibly the two sessions were continuous.

[2] A table of the sessions of the parlement may make the position clearer: all sessions were probably at Paris except that of the Nativity, 1263:—

1259	Candlemas	Whitsun	Nativity B.V.M.	All Saints and Martinmas
1260	Candlemas	Ascension	Nativity B.V.M.	Martinmas
1261	Candlemas	Whitsun	Nativity B.V.M.	Martinmas
1262	Candlemas		Assumption	Martinmas
1263	Candlemas	Whitsun	[Nativity B.V.M.]	Martinmas

It is possible that there was a special session late in Lent, 1261: Eudes Rigaud, *Regestrum Visitationum*, p. 398; see below, p. 165, note 4.

[3] *Foedera*, I, 432.

[4] *Liber de Antiquis Legibus*, p. 57.

[5] So Guillaume de Nangis: rex Franciae Ludovicus. . . . Simonem comitem ad parlamentum suum apud Boloniam super mare convocavit (*Historiens de la France*, XX, 414). Cf. Shirley, *Royal Letters*, II, 249.

that Edward entered into his agreement with Saint Louis concerning the crusade.[1]

It is of course unlikely in any case that when Henry III or Edward attended the French parlement, either spent much time in hearing the trivial cases that fill the greater part of the registers. There is a well-known story telling how Henry III kept the parlement waiting while he heard mass at every church in Paris on the way from his lodgings[2]: however true this may be[3] it is unlikely that the normal routine of the parlement would have been suspended to await the English king's arrival: if the parlement was kept waiting, some other business must have been afoot. We must admit the possibility that, under Saint Louis and perhaps under his immediate successors, the business of the parlement was, like the business of other contemporary parliaments, a mixture of the judicial, the administrative and the political.[4] The restriction of the parlement to the dispensing of justice, the shedding of the heterogeneity of the ancient *curia regis*, was a development of later years.

[1] *Liber de Antiquis Legibus*, pp. 110 f. Parlements were held at this term 1262, 1273, 1274. Cf. *Olim*, I, 765, No. 32, where there is what seems to be an adjournment to this term in 1269.

[2] This "Historiola de pietate Regis Henrici III" has been printed from Rymer's transcript (Add. MS., 4573 ff., 57 f.) of the destroyed Vitellius D. XIV. by Champollion-Figeac, *Lettres de Rois*, I, 402 ff., and E. A. Bond in *Archæological Journal*, XVII, 317 ff.

[3] The story is written round Henry's one recorded *bon mot*, and perhaps quite correctly, and certainly quite naturally, appears in several contemporary or subcontemporary versions which do not mention parliament. One will be found in a collection of *exempla* (*Speculum Laicorum* (ed. J. Th. Welter), p. 10), another in the continuation of Matthew Paris (ed. Wats (1640), p. 1009), repeated in Trevet's *Annales*, p. 280, and yet another in the St. Albans *Opus Chronicorum* (Trokelowe, *Chronica*, p. 36).

[4] There seems no reason for doubting that the "pallamentum" in 1261 to which the clergy of the province of Rouen sent representatives to treat concerning a crusade was a "parlement" (see Eudes Rigaud, *Regestrum Visitationum*, p. 398, and Bonnin's note, p. 399). See also *Grandes Chroniques de France* (ed. Paulin Paris), V, 150, 167, where "parlements" of 1303 and 1304 are mentioned. I feel considerable difficulty in following Borrelli de Serres in dismissing these assemblies—the one the first of the "États Généraux," the second a meeting for treating of peace with Flanders—as having no connexion with the parlement of Paris (*Recherches sur divers services publics*, I, 288 f.).

Parliament then added the periodical redressing of wrongs not righted by the ordinary process of law to certain of the ancient functions of the *curia regis*, those functions for which special solemnity and a specially full attendance were deemed necessary, not excluding important or difficult judicial decisions. In the process of time the balance of functions—a balance never perhaps too closely reproduced in any two countries—changed under the pressure of events or as the result of deliberate policy. It is noteworthy that in Germany the name of parliament was not given to the Reichstag until the very closing years of the thirteenth century, more than a generation after the great period of the organization of parliaments elsewhere [1]: and by that time every national parliament was developing along its own lines and differences were becoming marked. Looking back from the twentieth century and influenced, as we must be, by our knowledge of the developments of the fourteenth and fifteenth centuries, the parliament of the Empire seems to have been distinctly more like the later parliaments of Edward I in England, Scotland and Ireland [2] and distinctly less like the contemporary parlement of France. But nevertheless we must remember that well into the fourteenth century the parliaments of these islands continued to resemble the parlement of France very closely indeed: and we cannot be at all sure that the differences which we see would have been plain to contemporary observers.

[1] The earliest use of the name known to me is in a letter of January 1294 from Adolf of Nassau to Edward I (Bart. Cotton, *Historia Anglicana*, p. 434; *Mon. Germ. Hist. Constitutiones et Acta publica*, III, 434), the next in 1296 (*ibid.*, 523 f.: cf. Ehrenberg, *Der deutsche Reichstag*, pp. 3 f.). It is perhaps not without significance that Richard of Cornwall did not, so far as we know, call his one general Reichstag in 1269 a parliament but *colloquium* (*Mon. Germ. Hist. Constitutiones et Acta publica*, II, 488, 616: cf. J. F. Boppart, *Richard von Cornwall*, p. 115). In the account of this assembly to be found in Wyke's *Chronicon*, pp. 223 f., and apparently furnished by a follower of Richard's, it is called "principum et magnatum Alemanniae convocatio."

[2] For Edward I's Scottish parliaments, see *Scottish Historical Review*, XXV, 300 ff. For Edward I's Irish parliaments I can only refer to the paper mentioned above, p. 158, note 1.

That there were contemporary observers well qualified to compare the functions and procedure of different parliaments is a point worth emphasizing. First let us consider the large number of people attending the English parliament who must have had some acquaintance with the French parlement. After the treaty of Paris of 1259 it was necessary for the king of England as duke of Guyenne to be constantly represented by proctors in the parlement. The number of proctors appointed from then until the Hundred Years War was very large. Not only was Edward I represented by such men as Francesco Accursi, a civil lawyer,[1] and the seneschal of Gascony,[2] but from time to time we find such appointments as those of Stephen of Penchester [3] and Thomas of Sandwich [4]—both of whom acted as justices in England and the latter of whom filled the posts of seneschal of Ponthieu, of escheator and of constable of the Tower—of Nicholas Segrave [5] a baron, of William of Blyburgh [6] a wardrobe clerk, of Otho de Grandison [7] who had been styled the king's secretary and was later keeper of the Channel Islands, of the archdeacon of Winchester,[8] of sundry friars on occasion, as well as of very distinguished persons such as Edmund, earl of Lancaster.[9] These are but examples of the personal links between the parliaments of England and France. Information about the Scottish parliament at this period is hard

[1] *Foedera*, I, 516, 524; Langlois, *Textes relatifs à l'histoire du Parlement*, p. 92; Chanc. Misc. 3/21, No. 2; *Statutes of the Realm*, I, 42; *Parliamentary Writs*, I, 6.

[2] Langlois, *op. cit.*, 124 f., 133: cf. Maitland, *Memoranda de Parliamento*, pp. 3, 300.

[3] Chanc. Misc. 4/5, ff.12*b*, 16, 17, 22*b*; *Parl. Writs*, I, 8, 16, 19; *Rot. Parl.*, I, 3*b*, 98*a*, 126*b*.

[4] Chanc. Misc. 4/5, ff. 16, 22*b*; Langlois, *Textes*, p. 102; *Rot. Parl.*, I, 3*b*.

[5] Chanc. Misc. 4/5, f. 12*b*; *Parl. Writs*, I, 15, 20, 29; *Rot. Parl.*, I, 93*a*.

[6] Chanc. Misc. 4/4, f. 13; Langlois, *op. cit.*, pp. 103, 124: cf. *Parl. Writs*, I, 62.

[7] Chanc. Misc. 4/5, ff. 11, 23, 29; *Parl. Writs*, I, 2, 81 f., 136; *Rot. Parl.*, I, 76*a*.

[8] Exch. T.R. Misc. Books, E. 36/201, p. 23; *Rot. Parl.*, I, 44*b*.

[9] *Foedera*, I, 793 f.

to come by: but we know that it was attended from time to time not only by such men as the Bruces and Balliols, but also by others familiar with the English parliament who came either as representatives of the English king or as suitors. Thus William of Blyburgh paid not only a visit to the parlement of France but also to the parliament of Scotland [1]: and the abbot of Reading may be found petitioning not only in the English parliament but also in the parliament of John Balliol.[2] Again we have such an example as that of Jean, sire de Picquigny, vidame of Amiens, who is found acting as proctor for the count of Flanders in the parliament at Stirling in August 1293 [3]: unquestionably he was familiar with the procedure of the parlement of Paris.[4]

The journeys of certain English friars exemplify most strikingly perhaps this coming and going between parliament and parliament. For instance, William of Gainsborough, then Minister General of the Friars Minor, was present at the assembly at Norham in June 1291, called to consider the question of the Scottish succession: this meeting was not a parliament, but it will serve as a starting-point.[5] In October 1292 he is at Edward I's Scottish parliament at Berwick when the same business is under consideration: his stay is prolonged, for he is still there in

[1] Chancery Misc. 4/5 (Wardrobe Account, 1289–1290), f. 25.

[2] *Acts of the Parliaments of Scotland*, I, 445 f.; *Rot. Parl.*, I, 61*a*.

[3] *Acts of the Parliaments of Scotland*, I, 448.

[4] He appears as a litigant on several occasions between 1257 and 1296; on the first occasion he was presumably a minor (Boutaric, *Actes du Parlement de Paris*, I, Nos. 79, 2305, 2410, 2574). Relying upon a document printed by Dutillet in his *Recueil des rangs des Grands de France*, F. I. Darsy (*Picquigny et ses seigneurs*, p. 36) stated that in 1298 Jean de Picquigny sat as a member of the court: this document is a French translation of the list in *Olim*, II, 423, No. xiii, printed also by Langlois, *Textes*, p. 169, and renders "Vicedominus Priviconii" as "Le Vidame de Piqueny": but no such Latin form of the name is to be found elsewhere. Darsy stated also (*op. cit.*, p. 37) that he visited England in the same year. He was certainly in favour with Edward I: *Cal. Patent Rolls* (1281–92), p. 321; *Cal. Chancery Warrants* (1244–1326), p. 32.

[5] Palgrave, *Documents illustrating the History of Scotland*, Illustrations No. 4; Prynne, *Exact Chronological Vindication*, III, 504; *Foedera*, I, 766.

November.[1] In 1294 he, with a Dominican friar, Hugh of Manchester, is acting as proctor for the king of England in the parlement of Paris.[2] In August 1295 he is at a parliament at Westminster,[3] and again in September 1297.[4] In 1302 he is raised to the see of Worcester and thereafter as bishop attends the king's parliaments.[5] His companion in Paris, Hugh of Manchester, is found attending the September parliament in 1297,[6] and the September parliament in 1305.[7]

These personal links between parliament and parliament are to be taken into account when we consider the likenesses between the procedure of different countries. There were similarities even in little things. It is not perhaps surprising to find a traditional forty-days' summons to parliament common to England and Scotland, but it may strike us as curious to find it in Germany also.[8] The writs of summons in England and in Germany look as though they might have been derived from a common formula.[9] That absentees from parliament should be liable to a money penalty both in Germany and in Ireland is a coincidence which also may strike us.[10] These likenesses we may ascribe to accident or to some remote legal heritage: they may indeed be regarded as trivial resemblances. But we may

[1] Rishanger, *Chronica*, pp. 255, 260.

[2] Pierre de Langtoft, *Chronicle*, II, 204 ff.

[3] E. 36/202 (Wardrobe Account, 23 Edw. I), p. 44.

[4] *Parliamentary Writs*, I, 55, No. 10.

[5] *Ibid.*, I, 137, 169, 158 ff., 182 f. [6] *Ibid.*, I, 55, No. 10.

[7] *Ibid.*, I, 159 ff., Nos. 54–6, 59: Exch. Parliament and Council Proceedings, 1/20.

[8] Stubbs, *Constitutional History*, III, 394; *Modus Tenendi Parliamentum* (ed. Hardy), p. 3; Hannay, *On "Parliament" and "General Council"* in *Scottish Historical Review*, xviii, 158; Ehrenberg, *Der Deutsche Reichstag* (1273–1378), pp. 10 f. In Germany as in England the custom of a seven weeks' summons was not maintained: much shorter periods are found in the fourteenth century.

[9] Cf. the summons to Lübeck in 1310: *Mon. Hist. Germ., Constitutiones et Acta publica*, IV, 332.

[10] For Germany, see Ehrenberg, *op. cit.*, pp. 23 f.: for Ireland, W. Lynch, *A View of the Legal Institutions . . . in Ireland* (1830), pp. 160, 338; Sir W. Betham, *Origin and History . . . of the Early Parliaments of Ireland* (1834), p. 258; *Cal. Close Rolls* (1288–96), p. 287. Cf. *Modus Tenendi Parliamenti*, p. 29.

find similarities in procedure of a much more arresting character.

There has come down to us a great deal of detailed information regarding the parlement of Alfonse of Poitiers which we can compare with the detailed information we possess of the working of the English parliament of Henry III and Edward I. On the one hand we have certain financial accounts which contain references to the parlement, a large number of writs, various records of parliamentary proceedings, in particular a large roll recording the proceedings at the parlement held at Toulouse in 1270 just before the departure of Alfonse for the crusade.[1] On the English side we have chancery and exchequer enrolments, various memoranda of parliamentary proceedings, petitions and miscellaneous documents.[2] Without attempting a detailed analysis, attention may be drawn to the close similarity of the writs issued in the name of Alfonse and those issuing from the chancery and exchequer of Henry III and Edward I. There is the same mixture of administrative, judicial and purely feudal business in the two parliaments. Homage is rendered in the count's parlement as in the English parliament.[3] The results of inquisitions of various kinds are reported to either parliament.[4] Debts are respited and lands and goods replevied until parliament.[5] There are appeals from lower courts.[6] And intermixed are matters which concerned the count personally rather than public administration, just as a large part of the

[1] See Appendix II.

[2] For references to these, see Appendix I and *Bulletin of the Institute of Historical Research*, V, 129 ff.

[3] *Correspondance administrative*, I, 3, No. 4: App. II, Nos. 22, 25. For some account of corresponding English documents see *The Early Records of the English Parliaments* in the *Bulletin of the Institute of Historical Research*, V, 129 ff., VI, 71 ff.

[4] *Correspondance administrative*, II, lxiii and references there cited.

[5] *Mandements inédits d'Alfonse de Poitiers* in *Annales du Midi*, XII, pp. 307, 313; *Correspondance administrative*, I, 64, No. 100: cf. p. 23, No. 35.

[6] *Correspondance administrative*, II, lxii, and references there cited.

petitions presented at a parliament of Edward I were concerned with gifts and rewards and other personal matters.[1] And if we compare the entries on the parlement roll of 1270 with the parliament rolls of Edward I, we cannot fail to be struck by the likeness both in form and substance.

There are very close similarities between the procedure of the parlement of Paris and that of the English parliament. The mass of petitions presented in either parliament is an obvious point of similarity, as well as their trying by *maîtres des requêtes* in France, by receivers or auditors of petitions in England. Again a great deal of the detailed work of the parlement in France was performed by commissioners.[2] This is also a feature of the parliaments of Edward I. Thus in 1275 auditors are appointed in the Easter parliament to examine the contentions between the citizens of York on the one hand and the abbot of St. Mary's and the dean and chapter of St. Peter's on the other.[3] In the Michaelmas parliament of 1278 the contentions between the king of Scotland and the bishop of Durham were first heard before certain commissioners and afterwards before the king and his council: the business is later remitted to the same commissioners to determine.[4] An instance of a rather different kind is one where the king in council charges the seneschal of Gascony and Adam of Norfolk, constable of Bordeaux, to conduct an inquest into the disputes between the bishop and city of Bayonne: this was to be completed in time for the Michaelmas parliament of 1290.[5] A similar procedure was apparently contemplated when in October 1289 auditors were appointed to hear complaints against the king's ministers and their replies—the enquiry which

[1] *Correspondance administrative*, II, lxii f.: cf. App. II, No. 27.

[2] On this subject, see P. Guilhiermoz, *Enquêtes et Procès* (1892): the section on "Commissions à enquérir" (pp. 27 ff.) affords a succinct view of the main features of the French system, which it is thus easy to compare with the system, if such it can be called, in England, as it appears in documents of the kind here cited.

[3] *Cal. Patent Rolls* (1272–81), p. 120.

[4] *Foedera*, I, 565.

[5] Champollion-Figeac, *Lettres de Rois*, I, 280 f.

resolved itself into the "trial of the judges."[1] The English parliament did not develop any permanent organization resembling the *chambre des enquêtes*: but to discuss the reason for this and other differences between the parliaments of England and of France would take us far from the question of origins: it is important, however, to remark that in the thirteenth century there was in England a rudimentary system of local and special enquiries which might well have led, as it did in France, to a distinct and organized branch of parliamentary procedure.

As the English and French parliaments developed in different directions, so the procedure and organization of the English and Scottish parliaments diverged widely. But in the thirteenth century the similarities were still very close. No one who examines side by side the surviving parliament rolls of John Balliol and those of Edward I but must be struck by the close correspondence. Particularly is this marked in the form of petition, in the proceedings upon petition, in the adjournments to future parliaments.[2]

Nor is there need to dwell upon the similarities between the parliaments of Ireland and England. Since the Irish parliament was, like all the courts that served the Pale, purely English, it is but to be expected that it should be in all respects similar.[3]

In discussing and comparing the parliaments of the thirteenth century no reference has been made to the presence or absence of representatives of the commons. It is from the standpoint of the modern age that the feeble beginnings of popular representation have any importance in parliamentary history: in the thirteenth century the

[1] *Foedera*, I, 715. The detailed procedure of the enquiry has still to be worked out from the surviving *querelae* and other documents. There is no doubt that certain of the complaints did come before parliament. But a discussion of this matter must be deferred.

[2] The surviving enrolments for two parliaments of 1293 are printed in *Acts of the Parliaments of Scotland*, I, 445 ff.

[3] This question is discussed in the paper referred to above, p. 162, note 1.

popular element is of little significance, so far at least as the competence, jurisdiction or procedure of parliament is concerned. Popular representatives may be needed to give the appearance of popular support, and they may be summoned to a session of parliament in much the same spirit as they are summoned to welcome Henry III home from France [1] or to take oath to a new king and to receive orders to keep the king's peace [2] or to grace a coronation.[3] If the advice of representatives of the commons is seriously required it is likely that they will be summoned to a special meeting.[4]

Nor does the discussion of parliamentary origins necessarily entail an enquiry into the source of representative institutions. That source has been sought in many directions: but indeed popular representation is an idea so widespread that we hardly need to seek for sources and affiliations. It is found among the revolting Norman peasantry of 997,[5] and certainly quite independently among the burgesses of Irish towns in the thirteenth century.[6]

[1] *Close Roll* (1242–7), pp. 129 f.

[2] *Annales Monastici* (Winton.), II, 113.

[3] *Parliamentary Writs*, II, ii., 17f.

[4] This is more particularly the case with town representatives who were summoned several times by Edward I to discuss such matters as town planning and customs duties (*Parliamentary Writs*, I, 49 ff., 134 f.): in France under Saint Louis they were consulted about coinage (on this see Ch. V. Langlois in Lavisse, *Histoire de France*, III, ii, 259).

[5] William of Jumièges, *Gesta Normannorum Ducum* (ed. J. Marx), pp. 73 f.

[6] In 1252 the articles of confederation between Dublin and Drogheda provide for common counsel between representatives of the towns (Gilbert, *Historical and Municipal Documents of Ireland*, p. 131): in 1285 the confederation embraces Dublin, Drogheda, Cork, Limerick and Waterford and the articles provide that two or three citizens or burgesses from each town are to meet triennially at Kilkenny on the morrow of Trinity (*ibid.*, p. 196). It is possible that the court of the Four Burghs in Scotland has its origin in a similar confederation (cf. *Acts of the Parliaments of Scotland*, I, 724: an earlier reference to the Four Burghs will be found in *Rot. Parl.*, I, 108). Another parallel is afforded by the moneyers of the oath of the Empire who had a representative parliament, meeting every four years, but the evidence does not go beyond the first half of the fourteenth century: see *Revue Numismatique* (1844), pp. 105 f.; *Annuaire Soc. française de Numismatique*, XIX, 108 ff.

Representation is so marked a feature in the mediæval church, and particularly in certain religious orders, that we have been invited to see here a source of inspiration for the British constitution.[1] The list could be indefinitely extended. The real problem, however, is not to explain the occasional association of popular representation with a session of parliament in England or elsewhere, but to explain why popular representation became an essential and inseparable feature of English parliaments. The explanation is not to be found by any examination of the origins of parliament, however far-reaching or ingenious.

In conclusion it may be well to summarize the suggestions I have to make. The difficulty is to explain how the occasional plenary meetings of the king's court in the early thirteenth century became transformed into the organized parliaments later in the century. We must, I suggest, assume some definite plan, some grafting of new ideas upon the stock of an ancient institution common to Western Europe. A beginning seems to have been made in France and to have been associated definitely with a scheme for bringing the royal *baillis* and local administration generally under control. Similar ideas, arising a few years later, are to be found in England. Although here regular parliaments may have been devised in some measure as a curb upon the king, it is likely that the recent reorganization of the parlement in France had considerable influence on the measures taken in England. In turn the English parliament was imitated in Ireland and influenced the parliament of Scotland. Nor did the influence of the French parlement soon cease: the constant intercourse between the French parlement and the English court may explain in some measure at least the similarities in procedure to be found in the English and French parliaments in the later years of the thirteenth century. It is possible too that such influences were even more widely diffused owing to the presence, for

[1] E. Barker, *The Dominican Order and Convocation*, pp. 72 ff.

example, in the Scottish parliament of suitors familiar with the procedure of the parlement of Paris. It is not clear that Germany was affected by the example of foreign parliaments, although the name was borrowed late in the thirteenth century. Nor does there seem reason to suppose that Italy was influenced from the North and West,[1] although the popularity of the name parliament about the year 1300 may be due to imitation from abroad rather than to native influences.

There is space but for a brief postscript. It was not to be expected that the similarities so evident in the later thirteenth century would continue for long. England soon became cut off by war from France. Not only so, but the legal systems of the two countries determined that there must be wide divergences in procedure. France had no such organization of royal courts of law as had been created in England in the twelfth century and perfected in the thirteenth. The parlement of Paris had ultimately to perform many of the functions of the king's bench, the common bench and the justices in eyre. The parlement in consequence became increasingly a professional body of lawyers, while in England the judicial work of parliament receded more and more into the background. Scotland also was cut off by war from England and the Scottish parliament developed in its own way little influenced by ideas from over the border. It was only between England and Ireland that the old links subsisted and there only parliamentary institutions retained a close similarity.

[1] Compare, however, Pertile, *Storia del Diritto Italiano*, II, i, 319. But the French model which is supposed to have been adopted in Savoy seems to be the *états généraux*.

APPENDIX I

Provisional List of English Parliaments, 1258–1272

[The following abbreviations are used :—C.R. = Close Roll ; C.P.R. = Calendar of Patent Rolls ; C.R.R. = Curia Regis Roll ; A.R. = Assize Roll ; L.R. = Lords' Reports on the Dignity of a Peer ; L.A.L. = Liber de Antiquis Legibus ; Ann. Mon. = Annales Monastici (Rolls Series).

For a number of references to unprinted sources I am indebted to Mr. G. O. Sayles. Further investigation of unprinted sources, especially Plea Rolls, may make it possible to supplement or correct the list.]

Year	Term.	Place.	Authorities.
1258	Easter [1]	Westminster	C.R. 73, m. 10*b*, 74, m. 1*b*. (L.R. II, 7.) Matt. Paris, Chron. Maj., V, 676. Foedera, I, 370.
	Whitsun	Oxford [2]	C.R. 73, mm. 8, 7, 7*b*. C.P.R. (1247–58), 632, 637. C.P.R. (1258–66), 47, 83. C.R.R. 158, m. 12.
	Michaelmas	Westminster	C.P.R. (1247–58), 645, 654 ff. C.R. 74, m. 1*b*. (Brady, Introduction to Old English History, 141.) L.A.L. 39. Ann. Mon., III, 210. Hemingburgh, I, 307.
1259	Candlemas	Westminster	C.R. 74, m. 14. A.R. 873, mm. 6, 7.

[1] Apparently originally summoned for 24 February (Matt. Paris, *Chron. Maj.*, VI, 392).

[2] The session of this parliament seems to have been regarded as continued at Winchester : see *L.A.L.*, 38, *Ann. Mon.* (*Winton.*), II, 97 ; *Chron. of Edward I and Edward II*, i, 51 : cf. *C.P.R.* (1247–58), pp. 640 f.

Year.	Term.	Place.	Authorities.
1259	Michaelmas	Westminster	C.R. 75, m. 17*b*. (Statutes of Realm, I, 8 ff.) Ann. Mon., I, 471 ff. A.R. 911, m. 3*b*. L.A.L. 42.
1260	Candlemas [1]	London	C.R. 75, mm. 18, 17. Bémont, Simon de Montfort, 351.
	Easter	Westminster	C.R. 76, mm. 2, 2*b*, 1, 1*b*. C.R.R. 167, m. 10. L.A.L. 44.
	Midsummer	London	C.P.R. (1258–66), 81, 85, 90. C.R.R. 167, m. 26. L.A.L. 45.
	Michaelmas	London	C.P.R. (1258–66), 90. L.A.L. 45.
1261	Candlemas	London	C.R. 77, mm. 23, 19*b*, 17. (L.R. III, 23.) A.R. 911, m. 61. Ann. Mon., III, 217.
	[21 September [2]	Windsor]	C.R. 77, m. 6*b*. (L.R. III, 23.) Anc. Corresp., VII, 33.
1262	Candlemas	London	Ann. Mon., IV, 130.
1263	Nativity B.V.M.[3]	London	Fine Rolls, II, 402. Ann. Mon., I, 176; III, 224; IV, 135.
	Michaelmas	London	Foedera, I, 433. Flores Hist., II, 484.

[1] Held apparently in the king's absence in three weeks of Candlemas. London may here, as elsewhere, signify Westminster.

[2] It is improbable that this parliament ever met. An Easter parliament seems to have been abandoned, *Annales Monastici* (Wykes), IV, 128. A parliament has been supposed to have been held at Winchester at Whitsuntide (Prothero, *Simon de Monfort*, p. 230; Bémont, *Simon de Montfort*, p. 190, note 2): but the evidence does not seem satisfactory. I have traced nothing in record sources and Wykes' language does not demand this interpretation.

[3] Apparently there was a brief session at this term, and another after the king's return from France.

Year.	Term.	Place.	Authorities.
1264	[Lent [1]	Oxford]	C.P.R. (1258–66), 358. C.R. 81, m. 6*b*. (L.R. III, 29.) Ann. Mon., III, 235; IV, 140. Oxnedes, 225. Chron. Edw. I and Edw. II, I, 61.
	Midsummer	London	C.P.R. (1258–66), 360, 362, 365. C.R. 81, m. 4*b*. Foedera, I, 443, 451. L.A.L. 63, 65.
1265	Hilary [2]	Westminster	C.R. 82, mm. 11*b*, 10*b*, 9*b*. Foedera, I, 451 f. L.A.L. 71. Ann. Mon., II, 358; III, 235; IV, 159.
	1 June	Westminster [3]	C.R. 82, mm. 7, 6*b*.
	Nativity B.V.M.	Winchester	Ann. Mon., II, 102, 366; V, 173, 176, 178. L.A.L. 76. Chron. Edw. I and Edw. II, I, 69 f. Flor. Worcester Cont., II, 194. C.P.R. (1266–72), 63, 113, 265.
1266	April	Northampton	L.A.L. 84.
	Assumption	Kenilworth	C.P.R. (1258–66), 671. Ann. Mon., II, 371.
1267	February	St. Edmunds	C.R. 84, m. 9*b*. C.P.R. (1266–77), 133. Ann. Mon., IV, 196.

[1] It is dubious whether this assembly, which was rather in the nature of a gathering in arms, should be regarded as a parliament.

[2] A meeting, termed by certain chroniclers a parliament (*Annales Monastici*, III, 235; IV, 154 ff.), was summoned to meet at Oxford on 30 November, 1264; but it is not clear that any business was transacted in the absence of the Marchers.

[3] One entry out of four on the Close Roll gives Winchester as the place of meeting; this seems undoubtedly a mistake for Westminster.

Year.	Term.	Place.	Authorities.
1267	[6 September [1]	Shrewsbury]	C.R. 84, m. 2*b*. (Shirley, Royal Letters, II, 314).
	Martinmas	Marlborough	Hemingburgh, I, 329. Trevet, 274. Statutes of Realm, I, 19 ff.
1268	June	Northampton	Oxnedes, 235. Ann. Mon., II, 106 f. Flor. Worcester Cont., II, 201.
	Michaelmas	London [2]	C.R. 85, m. 4*b*.
1269	Hilary	London	L.A.L. 108.
	Easter	London	Ann. Mon., IV, 221.
	Midsummer	London	C.P.R. (1266–72), 384.
	[Michaelmas [3]	Westminster]	Ann. Mon., IV, 226 ff.
1270	Easter	Westminster	Letters from Northern Registers, 24. Ann. Mon., II, 108. L.A.L. 122.
	July	Winchester	L.A.L. 125, 129.
	Michaelmas	Westminster	C.R. 87, mm. 3*b*, 2. Reg. W. Giffard, 211. L.A.L. 127, 140.
1271	Michaelmas	Westminster	L.A.L. 142.
1272	Hilary	Westminster	L.A.L. 142. Cf. C.P.R. (1266–72), 622 ff.
	Michaelmas	Westminster	C.R. 89, m. 3.

[1] It is not quite certain that this meeting was a parliament.

[2] The Winchester Annalist (*Ann. Mon.*, II, 107) appears to refer to this parliament as meeting at Winchester, a mistake perhaps for Westminster.

[3] Despite the attendance of town representatives it is doubtful whether this meeting was a parliament.

APPENDIX II

The Parlement of Alfonse of Poitiers at Toulouse in 1270

The roll (*Archives Nationales*, J. 1031A, No. 11) from which the following extracts are taken was first identified by Edgar Boutaric, who, strangely enough, almost invariably misquotes the reference number.[1] It is a long roll containing, by my reckoning, 20 membranes,[2] made up "chancery fashion," as we say in England: the membranes, however, instead of being sewn one to the other, are glued. The face of the roll is closely written in several hands: comparatively few entries are to be found upon the dorse.

The entries relate all to one session of a parlement held at Toulouse in 1270. M. Boutaric believed that the session was held after Alfonse had departed for the crusade. It appears, however, probable that the roll is a record of the session already planned early in the year. In a letter of 28 January, 1270,[3] Alfonse directs the seneschal of Toulouse and Albigeois, the seneschal of Agenais and Quercy, the seneschal of Rouerge and the constable of Auvergne to announce that no one is to come to him in France to the next parlement on the quinzaine of Candlemas, but that at a convenient time he proposes either to come to Toulousain himself or to send some of his council to hear and determine complaints.[4] It seems clear from certain entries on the roll itself (Nos. 7, 11, 17, 21, 24–7 below) that Alfonse not only had not yet embarked but that he himself was present at Toulouse during the proceedings. The session therefore was presumably held in May, or late April, 1270.[5]

[1] As J. 1131: *St. Louis et Alfonse de Poitiers*, pp. 416 f., and numerous footnotes elsewhere.

[2] Not 19, as stated by Boutaric and in *Layettes du Trésor des Chartes*, V, 303.

[3] A. Molinier, *Correspondance administrative d'Alfonse de Poitiers*, No. 1406.

[4] On the same date a letter was addressed to the seneschal of Saintonge announcing a similar meeting on 3 March at Poitiers (*Correspondance administrative*, No. 1067). It will be noted, however, that petitioners from Saintonge presented themselves at Toulouse.

[5] Alfonse signs at Montauban (Tarn-et-Garonne) on 16 April (*Correspondance administrative*, No. 1824) and at Aimargues near Aigues-Mortes on 17 June (*ibid.*, No. 972). Cf. Boutaric, *op. cit.*, p. 119, B. Ledain, *Histoire d'Alphonse, frère de saint Louis*, p. 98.

M. Boutaric used this roll extensively in his study of the administration of Alfonse of Poitiers and printed a number of extracts in his footnotes : no part of it has, so far as I am aware, been published elsewhere, although in 1900 M. Molinier called attention to its value and recommended that it should be printed in its entirety.[1] The extracts here printed have been selected to illustrate as far as possible the procedure of the court and the various formulæ employed. Some notes of identification and explanation have been added.

ARRESTA FACTA APUD THOLOSAM ANNO DOMINI MILLESIMO DUCENTESIMO SEPTUAGESIMO [*m.* 1 *d*]

[1] De peticione procuratoris popularium ville portus sancte Marie [2] super eo quod maiores ville contra ordinacionem Senescalli Agenensis in collectis ibidem faciendis nolunt facere collectas per solidum et per libram. Suplicant quod ad hoc faciendum et contradictiores et alii compellantur et ad reddendum compuctum de collectis loco et tempore competenti et a popularibus fuerunt recquisiti. Agenense [*m.* 3]

¶ Senescallus dictam ordinacionem faciat seruari prout iustum fuerit et de expensis occasione dictarum collectarum factis et super aliis faciat quod debebit.

[2] De peticione Boni iudei de Podio Laurencii [3] super eo quod cum omnes iudei de Tholosa debebant dare domino Comiti certam pecunie quantitatem et tres iudei electi ad cognoscendum quantum quilibet iudeorum contribuere debebat ad collectam,[4] dicti tres iudei inique voluerunt et cognouerunt et dixerunt quod dictus Bonus iudeus contribuat ducentas et quatuor XX libras turonensium a quo dicto appellauit ad dominum Comitem vnde suplicat quod non compellatur ad soluendum nisi ducentas libras. Tholosa

¶ Plus non valeant bona.

¶ Senescallus vocatis dictis tribus iudeis et qui fuerint euocandi faciat quod debebit.

[3] De peticione Petri Grimouardi filii Vitalis quod cum Raimundus quondam Comes Tholose fecisset quondam scambium cum domino Petro Grimouardi milite et cum dicto scambio pro- Tholosa [*m.* 4]

[1] *Correspondance administrative*, II, lxv.

[2] Le Port Sainte-Marie (Lot-et-Garonne). [3] Puy-Laurens (Tarn).

[4] As to this contribution levied on the Jews, see Boutaric, *Saint Louis et Alfonse de Poitiers*, pp. 324 ff.

missiset eidem mille solidos morlennorum [1] super quibus habet litteras dicti Comitis petit a domino Comite dictos denarios sibi reddi.

¶ Eat ad Senescallum et constituto legitimo defensore pro domino Comite vocatis qui fuerint euocandi Senescallus faciet bonum ius.

Xactonia [*m.* 5] [4] De peticione Helie Nicholai de Petragora quod dominus Comes faciet ei reddi debitum in quo tenebatur eidem Gaufredus de Ranc[onio] [2] miles tempore quo decessit.

¶ Habebit litteras Senescallo Xanctonensi quod debita cognita et probata ab heredibus dicti Gaufredi faciat sibi reddi iusticia mediante.

Albigense [5] De peticione Bernardi Amelii de Cordua [3] super eo quod Egidius Camelini [4] cepit ad manum domini Comitis bona patris sui Manfredi Amelii condampnati pro crimine heretice prauitatis obligata dicto Bernardo pro tribus milibus solidorum racione dotis matris sue.

¶ Senescallus vocatis qui fuerint euocandi constitutoque pro domino Comite [5] ydoneo deffensore faciat quod debeat.

[6] De negocio domini Sycardi de Monte Alto.[6]

Tholosa [7] Supplicant abbates Cisterciensis ordinis Tholose dyocesis primo quod dominus Comes velit prouidere transquillitati et paci terre et maxime terre de Vltragaronam.[7]

¶ Dominus Comes antequam transfratet prouidebit ad honorem dei et securitatem patrie paci et transquillitati terre.

[8] Item supplicant quod cum temporibus retroactis vsu fuit licite emere et acquirere terras planas et nemora tam a militibus quam ab aliis et de hoc habeant priuilegia aliqui ex ipsis quod dominus Comes velit eis facere graciam et seruare priuilegia sua et bonas consuetudines suas.[8]

Tholosa [9] De peticione Raimundi de Dalps [9] super eo quod comes

[1] *Rectius* morlanorum : money of Morlaas (Basses-Pyrénées).

[2] Rançon (Haute-Vienne) : for Geoffrey see *Correspondance administrative*, No. 1051 ; *Annales du Midi*, XII, 293, 296, 306.

[3] Cordes (Tarn).

[4] Clerk of Alfonse of Poitiers : see Boutaric, *op. cit.*, pp. 127, 418 ; *Correspondance administrative*, II, xlii f.

[5] *Comite* repeated *ms.*

[6] Montaut (Haute-Garonne). This entry is unfinished.

[7] The Count's lands beyond the Garonne. [8] No note of reply.

[9] Daux (Haute-Garonne). Cf. *Correspondance administrative*, No. 1219.

Fuxi baiulus et familia eiusdem comitis consules et homines ville de Lesato [1] plures iniurias et violencias intulerunt eide[m] horra sua, vaccas et alia animalia sua rapiendo.[2]

[10] De peticione Aymerici de Villella miles super eo quod Iacobus de Bosco [3] cepit et captam detinet terram suam racione contumacie quia noluit comparere dudum coram inquisitoribus heretice prauitatis et postmodum comparuit et fecit quod debuit taliter quod nulla facta fuit condempnacio nisi penitencia contra ipsum quare petit terram suam sibi restitui.

¶ Senescallus Tholose vocato Iacobo de Bosco pro iure domini Comitis seruando faciat eidem iusticie complementum de consilio heretice prauitatis fratrum inquisitorum, maxime cum dicatur aufigisse in Lombardiam et reuersus confessus fuisset in heretica prauitate commisisse propter quod amittere debuit bona sua.

[11] Memorandum [4] quod dominus Comes velit prouidere et apponere consilium super controuersiis et violenciis inter Iordanum de Insula [5] militem et Ysarnum Iordani.

[12] Senescallus Agenensis et Caturcensis ex parte domini Comitis compellat iudeos in sua senescalcia commorantes portare signa prout in litteris domini Comitis sibi alias super hoc directas plenius continetur et iniunctum est magistro Bartholomeo iudeo Agenni quod istud faciat fieri et procuret. [m. 6]

Vicarius Tholose faciat portare iudissas Tholose signa prout dictum fuit eidem in mandatis per litteras domini Comitis sibi super hoc directas.

[13] Super appellacione [6] interposita ad dominum Comitem et Episcopum Agenensem ex parte Iordani et Guillelmi de Cassanea contra Bernardum Raimundi de Marchia et Bertrandum Iohannis ab audiencia magistri Vincencii iudicis [7] dati a Senescallo Agenensi et Caturcensi et magistri Guillelmi Mota iudicis Agenense [m. 7]

[1] Lézat-sur-Lèze (Ariège). Cf. *Correspondance administrative*, Nos. 1350, 1403.

[2] No note of reply.

[3] Jacques du Bois : responsible for revenues arising from confiscations of condemned heretics : see Boutaric, *op. cit.*, pp. 450 f.

[4] M. Molinier would apparently extend mem' and memor' as memoria in this and other entries (*Correspondance administrative*, II, lxv).

[5] L'Isle-en-Jourdain (Gers).

[6] Cf. *Correspondance administrative*, No. 2073 ; *Layettes du Trésor des Chartes*, IV, 304, No. 5445.

[7] Cf. *Correspondance administrative*, II, 226, No. 1548 : magister Vincencius iudex Senescalli Agenensis.

delegati ab episcopo Agenensi, datus est iudex magister Rigaudus Belli.[1]

[14] Super mutuis peticionibus et violenciis inter predictas duas partes hinc inde perpetratis, datus est similiter iudex dictus magister Orgolius[2] qui vna cum dicto episcopo Agenensi vel eius allocato faciat in hac parte tam per inquestam quam alias celeris iusticie complementum partibus antedictis.

[15] Super denunciacione consulum et vniuersitatis Grandis Castri[3] quod in prima fondacione dicti castri omnes barones, milites, domicelli, clerici et burgenses qui terras infra mediam leucam dicti castri possidebant medietatem dictarum terrarum cum omnibus iuribus quas habebant in eisdem domino Comiti Tholose concesserunt et nunc dominus Comes non percipit ut asserunt terciam partem dictarum terrarum ob negligenciam balliorum et hoc poterit inueniri si placet domino Comiti per inquestam.

Caturcense [*m.* 8] [16] Item de eodem[4] super eo quod gentes Regis Anglie et Episcopi Caturcensis inuadunt cotidie terram suam et gentes suas et homines suos de castro de Dernagol[5] quod tenet a domino Comite et depredant eos.

¶ Iniungatur Senescallus Agenensis et Caturcensis quod non impediat ipsum militem quominus possit tueri et deffendere terram suam et feuda sua a domino Comite mouencia cum armis si necesse fuerit et ius suum prosequi et non fiat contra ipsum condampnacio armorum in tali casu et si facta fuerit non[6] leuetur prouiso tamen ne in portacione armorum non excedat in aliis casibus non permissis.

[17] De petitione eiusdem super condempnacione armorum facta contra quosdam homines suos per Senescallum Ruthinensem super quo dominus Comes mandauit alias poni in respectum ad tempus.

¶ Loquendum est cum domino Comite.

[*m.* 9] [18] Memorandum quod fiat procuratorium et constituantur procuratores coram domino Rege vel consilio suo in facto quod vertitur inter dominum Comitem et episcopum Caturcensem.

[1] Cf. *Layettes du Trésor des Chartes*, IV, 110, No. 4965: magister Rigaldus Belli iudex Tholose; see also *Correspondance administrative*, No. 1443, 1454.

[2] Cf. *Correspondance administrative*, Nos. 1700, 1706, 1708.

[3] Grandcastel, now Puymirol (Lot-et-Garonne).

[4] Deodatus de Barasc. Cf. *Correspondance administrative*, No. 1451.

[5] Larnagol (Lot). [6] *Sic* MS.

[19] De negocio magistri Iohannis Dominici expectentur Senescallus Tholose et Egidius Camelini [1] clericus.

[20] Super peticionibus Episcopi Ruthinensis traditis in scriptis.

Super peticione procuratoris Episcopi Ruthinensis quod dominus Comes faciat eidem reddi et restitui nomine dicti episcopi et ecclesie Ruthinensis quasdam villas, possessiones et terras sitas in tenemento et districtu castri de Maurllo ad dictam ecclesiam pertinentes qui quondam fuerunt Ozilii de Maurllo [2] militis occupatas ut asserit per Iacobum de Bosco et quod inquesta facta per Poncium Astoaudi et magistrum Odenem super hoc terminetur. Ruthinense

¶ Si dominus episcopus [3] pro se et capitulo [4] dicte ecclesie Ructinensis litteratoriam prestiterint caucionem de stando inqueste facte per dominum Poncium Astouaudi et magistrum Odonem de Mantoneria, et inquesta sic facta videatur et terminetur, alias non determinabitur.

¶ Sed eat ad Senescallum et constituto legitimo deffensore pro domino Comite Senescallus faciet bonum ius.

[21] Memorandum quod dominus Comes deliberet super statu terre Agenensis et ordinet quod viderit super hoc ordinandum.

[22] Homagia in Agenensi et Caturcensi. [*m.* 9*d*]

Bertrandus de Cardillaco et Giraudus de Cardilhaco [5] fratres fecerunt homagia domino Comiti Pictavie et Tholose quilibet pro parte hereditaria ipsos contingente de successione patris sui quam tenebat a domino Comite.

[23] Super mutuis iniuriis violenciis maleficiis et excessibus et inuasionibus a diuersis personis vicissim in uilla et territorio Montis Albani [6] perpetratis a quinquennio citra.

¶ Videtur expedire quod aliqua vel alique bone persone eligantur quibus fiat commissio per litteras patentes domini Comitis, que persone mutuas querelas existencium in dicta villa et territorio dicte ville questionem hereditatis minime contingentes, vocatis qui fuerint euocandi auditisque racionibus parcium, pace vel iudicio terminent et decidant que coram ipsis fuerint actitata et inquirant vbi fuerint inquirenda et cognoscant de causis appellacionis si que sint interpositorum ad dominum Comitem de quolibet constitutorum et que nondum sunt alii

[1] See above, No. 5.
[2] Cf. *Correspondance administrative*, No. 1646.
[3] MS. *episcopo*.
[4] MS. *capitulum*.
[5] Cardaillac (Lot).
[6] Montauban (Tarn-et-Garonne).

commisse nec per lapsus temporis expirarunt, corrigant eciam excessus et negligencias baiulorum et si qua forte ardua emerserint que propter dubietatem aliquam maiori indigeant consilio refferantur talia eis qui vices domini Comitis gesserint per eos deliberacione prehabita prout ratio dictauerit terminanda. Adhec videtur expediens quod parti a parte vicissim prestetur securitas quam prestari faciat Senescallus prestito iuramento ab vtraque parte et pena usque ad summam mille marcharum argenti apposita soluenda domino Comiti a parte que securitatem prestitam infringeret, super qua securitate obseruanda et pena predicta domino Comiti soluenda si contrauenirent ab vtraque parte per fideiussores ydoneos caueatur et de securitate huiusmodi sic promissa penaque apposita et de caucione prestita fiant publica instrumenta que apud se retineat Senescallus Agenensis quod si forsan alterutra partium promissam securitatem ausu temerario, quod absit, infringeret, non solum exaccione pene aposite multetur set eciam [1] vlterius arbitrio iudicantis puniatur prout delicti qualitas exiget vel excessus. Insuper illi qui principaliores extiterint in fraccione seu violacione securitatis prestite ad loca alia extra dictam villam et eius territorium se transferre cogantur vbi Senescallus deputauerit ad predictam villam seu eius territorium sine domini Comitis vel eius locum tenentis licencia speciali nullatenus reuersuri quousque domino Comiti de contentu [2] et parti lese de expensis et iniuriis plenarie fuerit satisfactum. Et istud arrestum partibus publicetur.

Tholosa [*m.* 10] [**24**] De peticione Stephani de Monte Bruno [3] domicelli super eo cum Petrus de Monte Bruno et Petrus Raymondi et Poncius fratres eius causa cuiusdam belli fuerunt missi apud Appuliam et ibidem interfecti fuerunt et desuper Comes detinuit bona ipsorum, petit vt dominus Comes velit sibi facere graciam de dictis bonis que bona valent decem libras turonensium annui redditus vnde tum sit crucesignatus nec habeat vnde possit transfretare.

¶ Si venerit ad portum et transfretauerit, dominus Comes faciet eidem aliquam graciam.

[*m.* 15] [**25**] Memorandum quod dominus Comes Pictavie et Tholose requisiuit Guillelmum Esclamart in camera sua in castro Tholose quod faceret sibi homagium de hiis que tenet a domino Comite supradicto.

Tholosa [*m.* 16] [**26**] Petrus de Cambello miles de Lauraco [4] recognouit coram domino Comite quod se tenere a domino Comite ea que habet

[1] MS. inserts *set et* after *eciam*.
[2] *Rectius* contemptu.
[3] Montbrun (Haute-Garonne).
[4] Laurac (Aude).

apud Bauteuillam [1] videlicet quartam partem dicte ville et iusticie eiusdem.

¶ Memorandum.

[27] Supplicant moniales de Ulpilione prope Condomiam [2] quod dominus Comes eroget eis si placet helemosinam suam intuitu precatis.

¶ Loquetur cum domino Comite.

[28] De primo oraculo Odonis de Lomaigne militis super exercitu hominum de la Romeure.[3] Agenense [*m.* 18]

¶ Senescallus videat inquisicionem quam fecit magister Iohannes Dominici et nisi plene fuerit inquisitum inquirat Senescallus et ex vtraque inquesta se instruat et faciat quod debebit.

[1] (?) Beaudeville (Haute-Garonne).
[2] (?) Vopillon near Condom (Gers).
[3] Apparently la Romieu (Gers).

INDEX

Abram, A., 69 *n.*
Accursi, Francesco, 163
Adam of Norfolk, constable of Bordeaux, 167
Admiralty records, 20, 21, 25–6, 36.
Adolf, count of Nassau, 162 *n.*
Agenais, seneschal of, 176–83.
Aimargues (Hérault), 176 *n.*
Albigeois, seneschal of, 176–83.
Alexander II, King of Scotland, 148.
Alexander III, King of Scotland, 167.
Alexis, Czar of Russia, accession of, 40; diplomatic relations between Charles I and, 40–5, 49, 57; between Charles II and, 50–1, 55, 57–9; between Cromwell and, 52–4, 57; effect of Charles I's execution upon the policy of 48–50; effect of the Civil Wars of Charles I's reign upon the policy of, 44; policy towards the English merchants in Russia of, 43–8, 50.
Alfonse, count of Poitiers, 146, 157, 166–7, 176–83.
Alfonso I, King of Naples, 75.
Alured, Henry, 96.
Aluric, son of Wisgar, 112.
Amiens, 164.
Anderson, R.C., 76, *n.*
Anjou, Duke, of. *See* John and René.
Annales Monastici, 172–5.
Anne of Cleves, 114.
Aquitaine, 69.
Aragon, 15.
Arkhangel, 46–8, 50, 52, 57.
Assize Roll, 172–3.
Atlantic Ocean, the, importance to trade of, 63, 81
Austin Friars, the, 88, 112.
Auvergne, constable, 176–83.
Avignon, 15.
Avon, (river), 61–2.

Bacon, Francis, Lord, 118–9.
Balasque, Jules, 66 *n.*
Baldutio, Mario, 136.
Ballard, A., 85 *n.*
Balliol, John, 164, 168.
Baltic Sea, the, 50, 63, 68.
Bannockburn, Battle of, 84, 113.
Barcelona, 14.
Bardfield, 102.
Barton Regis, 70.
Basle, 127.
Bassingburn, Nicholas, 11.
Bateson, Mary, 27, 87 *n.*
Battiferri, Angelina, 132.
Battiferri, Antonio Vergil, 132 *n.*
Battles. *See* Bannockburn, Evesham, Flodden.
Bayonne, 65, 167.
Beaulieu, Geoffroi de, 139 *n*, 143 *n.*
Beauvais, bishop of, 152.
Bebel, printer, 127.
Bec, monastery of, 112.
Becket, Thomas, Archbishop of Canterbury, 138.
Bémont, Charles, 39 *n.*, 173.
Bennet (Benyte), John, 98.
Bensyn, Barnard, 66.
Bergen, 68
Berwick, 164.
Black Sea, the, 73.
Blanche, Queen of France (wife of Louis VIII), 142.
Blyburgh, William of, 163–4.
Boleyn, Anne, 114.
Bond, Thomas, 45.
Boniface VIII, Pope, 15.
Bonmoulins, 140.
Bonwick, James, 26.
Book of Fees. *See Testa* de Nevill.
Boraco. *See* York.
Bordeaux, results of the establishment of French rule in, 65–6, 77–8; trade between Bristol and, 63, 65–7, 70, 79; trade between England and, 77–9.
Borough, the (in England), characteristics of, 85–100, 102, 103; development of, 85–7, 92, 94, 95,

101; difference between the market town and, 86–7.
Boulogne, 160.
Bourchier, Thomas, Archbishop of Canterbury, 114.
Boutaric, Edgar, 176–7.
Brabant, Duke of. *See* John.
Bradshaw, John, 54.
Bradshaw, Richard, 53–4.
Brady, Robert, 172.
Braintree, 110.
Brazil, 82.
Brereton, Sir William, 54.
Brett, William Baliol, Lord Esher, 30.
Bretton, Spencer, 43 *n.*
Breuil, Guillaume du, 142.
Bristol, account of merchant adventurers from, 69–77, 80–2; causes of decline in trade of, 65–7; description of, 62; efforts to increase the trade of, 68–9; immigration of Gascon merchants to, 66; importance of the position of, 63; money paid towards sea-keeping by, 72; prosperity of trade in, 64–6, 77–81; reasons for the commercial collapse of, 64; reasons for the commercial importance of, 61–4; Red Book of, *see* Great Red Book; shipbuilding carried on in, 79–80; trade between Denmark and, 68; between Gascony and, 63, 65, 68, 77–8; between Iceland and, 67–8; between Ireland and, 63, 67–8; between Italy and, 74; between the Levant and, 74.
British Museum, 28.
Brittany, 66.
Browning, Oscar, 27.
Brymner, Douglas, 26.
Bultel, Robert, 91.
Burford (Oxon.), 95, 104–5.
Burgh, Elizabeth de, 84, 88, 93, 96–7, 99, 105, 113.
Bury, Richard, 7.
Bury St. Edmunds, 9, 174.
Busch, William, 118.

Cabot, John, 64.
Caen, 66.
Calais, 70, 81.
Cambridge gaol, records housed in, 33.
Camden Series, The, 27.
Canterbury, 141.
Canterbury, Archbishops of. *See* Becket, Thomas, and Bourchier, Thomas.
Canynges, William, 69, 76, 79–80.
Cape Colony, records relating to, 26.
Cape Town, 27.
Capua, Thomas of, 6.
Carlisle, Lord. *See* Howard, Charles.
Carnegie Institution, The, 36.
Castello, Adrian de, 122–3.
Castello, as surname of Vergil family, 122 *n.*
Castile, 64.
Catalans, the, 73, 75–6.
Cely Papers, the, 10.
Chancery, Court of, 109.
Chancery Inquisitions, 32.
Chancery Warrants, 32.
Channel Islands, 163.
Chanson de Roland, 137.
Chapter House. *See* Westminster.
Charles I, King of England, effect upon Russia of the execution of, 48–50, 58; reasons for the outbreak of war between Parliament and, 40; relations between Czar Alexis and, 40–6, 57.
Charles II, King of England, letter of congratulation sent to the Czar Alexis by, 47; relations between Czar Alexis and, 50–1, 53–9; restoration of, 39.
Charles IV (the Fair), King of France, 147 *n.*
Charles VII, King of France, commercial policy of, 66; overlordship of Genoa accepted by, 75; relations between the Gascons and, 77.
Charles, Prince. *See* Charles II.
Charroux, 147 *n.*
Charter Rolls, 31.
Chartres, Guillaume de, 143.
Cheke, Sir John, 114–15.
Chester, 61, 148.
Chichester, H. Manners, 26.
Chilborne, 93 *n.*
Chilton (Suffolk), 87, 107.
Chok, Richard, 76.
Chronicles and Memorials, 32.
Cicely, Duchess of York, 114.
Cicolino, Carolo, 136.
Cinque Ports, the, 62, 146.
Civello, Johanne Baptista, 136.
Civil Wars (Charles I), the, 40–1, 43, 57.
Clare (Suffolk), administration of, 107–11; bequests left to, 107; borough courts of, 89, 91, 95–9, 105, 108–10, 114; characteristics of the borough of, 94–8,

103–4; comparison between other boroughs and, 93, 101, 103–6; extent of the borough of, 90–1; historical evidence derived from "Abstracts of Fines" with regard to, 108, 111; from the Court Rolls, 90–2, 94–9, 101, 105, 106, 108; from Domesday Book, 87, 95; from the Duchy of Lancaster Records, 111; from the Hundred Rolls, 92, 93, 96–8; from the Inquisitions Post Mortem, 88–90, 95, 99–100, 103; from the Ministers' Accounts, 91, 93, 99–102, 105, 107; historical evidence for the 16th and 17th c. with regard to, 106–8; industrial development in, 101, 102; lack of corporate life in the borough of, 98, 104; list of lords of the boroughs and manors of, 112–15; officials of, 94–5, 98, 100, 103, 106; reasons for the delay in the development of the borough of, 104, 105; reasons for the divergence in evidence re, 100–1; relations between the lords and the burgesses in, 88–9, 92–7, 99–102, 104–6, 108; trading privileges of the burgesses of, 96–7, 100–3; valuation of the borough of, 99–102.
Clare, Gilbert de, Earl of Gloucester and Hertford, 84, 88–9, 112–13, 144.
Clare, Lady of. *See* Burgh, Elizabeth de.
Clare, Richard of, Earl of Gloucester and Hertford, 88, 112, 144–5.
Clare, Roger of, Earl of Hertford, 112.
Clarence, Duke of. *See* Lionel.
Clarethall in Ashen, manor of, 93.
Clement IV, Pope, 151.
Clement VII, Pope, 136.
Close Rolls, 17, 26, 31, 145–6, 154, 172–5.
Coder, William, 76.
Cog Anne (ship), 70–1.
Colchester, 144.
Colepeper, John, Lord, 50.
Collingbourn, John, 4.
Cologne, 55.
Colomb, Admiral Sir J. C. R., 26.
Colonial Office records, 20.
Commines, Philip de, chronicler, 78.
Compostella, 73.
Constantinople, 73–4.
Conterayn, Moses, 66.
Coquus, Maximus, 136.
Corbeil, 141.
Cornwall, 62.
Cornwall, Earl of. *See* Richard.
Cotswolds, the, 62.
Coulherde, John, 93.
Coulton, Dr. G. G., 4, 16.
Court Rolls, the, 90–9, 104–5, 108.
Courts. *See* Chancery and Curia Regis.
Coventry, 62.
Cozens-Hardy, H. H., Lord, 33.
Craib, Theodore, 18.
Cromwell, Gregory, 46.
Cromwell, Oliver, 39, 51–4, 56–7.
Crow, Henry, 47
Crump, C. G., 7.
Culpepper. *See* Colepeper.
Curia Regis, 147, 154–5.
Curia Regis Rolls, 10, 32, 172–5.

Dallaway, James, 72 *n.*, 79 *n.*
d'Amory, Roger, 98, 113.
Daniellis, Francisco, 136.
Davenport, Frances, 29.
Davies, Conway, 14.
Dean, Forest of, 62.
Deeds, ancient, catalogue of, 32, 35.
Deeks, H., 91 *n.*
Denmark, help offered to Russia by, 53; sympathy shown towards Holland by, 48; war between England and, 68.
Denmark, King of. *See* John.
Devon, 62.
Devon, Earl of. *See* Reviers, Baldwin de.
Dictionary of National Biography, 26.
Dillen, J. G. Van, 58 *n.*
Dokhtourov, Gerasime, 40–4, 58.
Domesday Book, The, 28, 33, 35.
Domesday Survey and the history of Clare (Suffolk), 84, 85, 87, 95, 104.
Drabbe, Walter, 93.
Ducange, C. du F., 137.
Ducoudray, M., 159.
Dudley, John, Duke of Northumberland, 106.
Durham, bishop of. *See* Robert de Insula.
Dyngeley, P. C. C., 107 *n.*

Eastland Company, the, 50.
Edmund, Earl of Lancaster, 163.

Edward of Carnarvon. *See* Edward II.
Edward I, King of England, and the borough of Clare, 88; parliament in the reign of, 143, 156–7, 161–3, 166–8; policy of, 11; wardrobe accounts of, 4, 5, 11–2.
Edward II, King of England, parliament in the reign of, 156; records relating to the reign of, 14, 26; wardrobe accounts of, 5.
Edward III, King of England, records relating to the reign of, 7, 31.
Edward IV, King of England, and the honor of Clare, 84, 114.
Edward VI, King of England, and the borough of Clare, 114; records relating to the reign of, 17, 31.
Egypt, 70.
Elizabeth, Queen of England, 56.
Ellis, Sir Henry, 119.
Elwes, Sir Gervase, 108 *n*.
Emperor, The. *See* Ferdinand III and Frederick Barbarossa.
Empire, the, comparison between the mediaeval English parliament and those of, 162; use of the word parliament in, 158–9.
England, commercial relations between Holland and, 43–4; between Russia and, 39, 41–51, 57, 59; comparison between the parliaments (mediaeval) of other countries and that of, 149–52, 155, 157, 162–71; contributions of Polydore Vergil to the history of, 117–21, 130; description of (15th c.), 61; diplomatic relations between Russia and, 39–44, 47, 49, 53, 55–8; effect of war between Russia and Poland upon, 54; functions of parliament (mediaeval) in, 155–6, 158–9, 162; mediaeval records in, 2; mediaeval usage of the word "parliament" in, 137–8, 140–1, 143–8; peace made between France and (1475), 78; reasons for change in relations between Russia and, 56; relations, between Genoa and, 75–6; results of the Hundred Years War upon the trade of, 64–6, 78; severance of friendship between Portugal and, 81; trade between Gascony and, 63, 77–8; between Iceland and, 67–8; between the Levant and, 75; trade restrictions imposed by Denmark upon, 68; war between Denmark and, 68; war between France and, 78; between Ireland and, 63–4.
England, Kings of. *See* Charles I, Charles II, Edward I, Edward II, Edward III, Edward IV, Edward VI, George V, Harold, Henry II, Henry III, Henry V, Henry VI, Henry VII, Henry VIII, James I, John, Richard I, Richard II.
England, Queens of. *See* Boleyn, Anne; Anne of Cleves; Elizabeth; Isabella; Katharine of Aragon; Howard, Katharine; Mary; Parr, Katharine; Victoria; Woodville, Elizabeth.
English Company, The (in Russia), 41, 43–50, 54, 56–7.
English Historical Review, 7.
Enrolled Customs Accounts, 63–7, 69, 78–9.
Erasmus, 119, 124–5.
Erbury Manor (Suffolk), 87, 114.
Erskine, Major D., 26.
Esher, Lord. *See* Brett, William Baliol.
Essex, 110.
Evesham, Battle of, 157.
Eyton, John, 74, 76.

Fabyan, 75.
Fairbrother, Miss, 35–6.
Fantosme, Jordan, 137–9.
Farley, 93 *n*.
Fenn, George, 93.
Ferdinand III, Emperor, 53.
Feudal Aids, 31.
Fine Rolls, 31, 173.
Finke, Dr. Heinrich, 15.
Firth, Sir Charles, 27.
Fitz Gilbert, Richard, 84.
Fitz Thedmar, Arnold, 141.
Flanders, Count of. *See* Florence V.
Flemming, Sir Wm., 41.
Flenley, Ralph, 75 *n*., 76 *n*.
Flodden, Battle of, 129–30.
Florence, 70.
Florence V, Count of Flanders, 164.
Flower, C. T., 10.
Foix, Count of, 178–9.
Foreign Office Records, 20.
Forest of Dean, 62.
Fortescue, Sir John, 27.

Fossombrone, 133.
Foster, Canon C. W., 36.
Fowey, 76.
France, comparison between English ships and those of, 79; development of parliament in, 138–9, 141, 145, 148, 152, 155, 157, 161–3, 166–8, 170–1; help sent to Genoese by, 76; loss of England's political power in, 64; new trade routes established in, 66; peace made between England and (1475), 78; war between England and, 78; sympathy towards Holland shown by, 47; treaty between England and (1656), 54.
France, Kings of. *See* Charles IV, Charles VII, Lothaire, Louis VII, Louis IX, Louis XI, Louis XIV, Philip II and Philip III.
France, Queens of. *See* Blanche and Marguerite.
Francesco Maria I, Duke of Urbino, 129.
Francis, Sir John, 132–3.
Frederick Barbarossa, Emperor, 138.
Frome (river), 62.

Gaiesle, Richardo de, 99.
Gairdner, James, 118.
Gardiner, Rawson, 26.
Gascony, commercial results of establishment of French rule in, 64–6, 73; privileges granted by Louis XI to, 77; trade between Bristol and, 63–5, 67–8, 70, 77, 79.
Gascony, seneschal of, 167.
Gasquet, F. A., Cardinal, 117, 128–9.
Genoa, 69–70, 73, 75–6.
George V, King of England, and the borough of Clare, 115.
Gerard, John, Father, 26.
Germany, development of parliament in, 158–9, 162, 165.
Ghent, 12.
Giffard, Walter, Archbishop of York, his *Register*, 149 *n.*, 175.
Gilbert the Red. *See* Clare, Gilbert of.
Giuseppi, M. S., 18, 30.
Gloucester, Earls of. *See* Clare, Gilbert, Richard and Roger.
Godefroi, Frederic, 137.
Godeman, John, 79.
Gosford, 99.
Grafton, Richard, 118.
Grandison, Otho de, 163.
Gravesend, 40–1.
Great Red Book (of Bristol), 66, 79.
Great Seal, 34.
Greece, 71.
Green, John Richard, 14.
Gretton, R. H., 95 *n.*, 104 *n.*
Grocyn, 125.
Gross, Charles, 27.
Guernes de Pont-Sainte-Maxence, 138–9.
Guiducci, Felice, 131 *n.*

Hall, Edward, Chronicler, 117–8.
Hall, Hubert, 12, 21, 27.
Hanse, the, 68–9, 77.
Hardy, Sir William, 30.
Harold, King of England, 138.
Harrington, Sir Jos., 49 *n.*
Harrison, General Plantagenet, 28, 34–5.
Harvye, Thomas, 107.
Haverford, 144–5.
Hawley, Colonel W., 49 *n.*
Headlam-Morley, J. W., 27.
Hebdon, John, the elder, 55.
Hebdon, John, the younger, 55.
Helingeye, Henry de, archdeacon of Winchester, 163.
Hemingburgh, 172, 175.
Henry II, King of England, parliament in the reign of, 138, 140, 143, 152.
Henry III, King of England, and the borough of Clare, 88; parliament in the reign of, 143, 146–7, 150, 157–8, 166, 169; records relating to the reign of, 17.
Henry V, King of England, records relating to the reign of, 17.
Henry VI, King of England, and the borough of Clare, 102; and the merchants of Bristol, 66.
Henry VII, King of England, and the borough of Clare, 114; hospitality to foreigners shown by, 122–3; Lord Bacon's life of, 118; trade during the reign of, 68, 77.
Henry VIII, King of England, and Polydore Vergil, 128; and the borough of Clare, 114.
Henry, Earl of Lancaster, 5.
Herbert of Saint-Quentin, 9.
Herbert of Saint-Quentin, wife of, 9.
Hereford, John, Bishop of, 114.
Hert, John, 92.
Hertford, Earl of. *See* Clare, Gilbert, Richard and Roger.

Hintlesham, 96.
Histoire des Rois d'Angleterre, 140–1.
History (Quarterly Journal), 12.
Hoccleve, Thomas, 2–5.
Hodson, W. H., 106 *n.*
Holland, commercial relations between England and, 43–4; commercial relations between Russia and, 44, 57–8; sympathy shown by France and Denmark towards, 48.
Holland, John, Earl of Huntingdon, 69.
Home Office records, 20.
Howard, Charles, Lord Carlisle, 55.
Howard, Katharine, 114.
Howell, William, 72.
Hudson, Rev. William, 27, 35.
Hugh of Manchester, Dominican friar, 165.
Hull, 61, 67, 69.
Humbert de Romans, master general of the Dominican Order, 150–2, 155.
Hundon, manor of, 93–4, 96.
Hundred Rolls, 92–3, 96–8.
Hundred Years War, 64, 163.
Huntingdon, Earl of. *See* Holland, John.

Iceland, trade between Bristol and, 67–8, 79.
Innocent VIII, Pope, 122–3.
Inquisition post-mortem, 88–90, 95, 99–100, 103.
Ireland, condition of (temp. Ch. I), 45; development of parliament in, 141, 148, 158, 165, 168, 170–1; Russian produce to be transported to, 47; trade between Bristol and, 63, 67; Tudor rule in, 81.
Irish Sea, the, 63.
Isabella, Queen of Engiand (wife of Edward II), 7.
Italy and the Renaissance, 122; development of parliament in, 137–8, 145, 147 *n.*, 171; Polydore Vergil's visit to, 128; trade between Bristol and, 74.

James I, King of England, 40.
James III, King of Scotland, Embassy from Innocent III, 122.
Jay, John, 81.
Jenkinson, Hilary, 22.
Joan of Acre, 89, 95.
John, Duke of Anjou, 75.
John, Duke of Brabant, 5.
John, King of Denmark, 68.
John, King of England, parliament in the reign of, 140–1; records relating to the reign of, 8–9.
John XXII, Pope, 7, 15.
Johnson, Charles, 18.
Johnstone, Hilda, 12.
Joinville, Jean, sire de, 142.
Joppa, 71.

Katharine of Aragon, 106, 114.
Katharine Sturmy (ship), 73–4.
Kenilworth, 174.
Kholmogory, 50.
Kingrode, 70.
Kingsford, C. L., 10, 75 *n.*
Kingston, Alfred, 19.

Lambeth, 76.
Lancaster, Duchy of, 111, 115.
Lancaster, Earls of. *See* Edmund, Henry and Thomas.
Land Revenue Records, 33.
Langley, John, 47.
Langlois, Ch. V., 159.
Langton, John, 10–11.
Langton, Walter, 14.
Lapsley, G. T., 29.
Laughton, J. K., 26.
Lekenheath, 9.
Lenthall, William, 42.
Leo X, Pope, 128–9.
Leonard, E. M., 27.
Levant, the, 70, 73–5. 77.
Lézat-sur-Lèze (Ariège), 179.
Libelle of English Polycye, 67.
Liber de Antiquis Legibus, 140, 172–5.
Liberate Rolls, 32.
Lincolnshire Record Society, 36.
Lionel Duke of Clarence, and Earl of Ulster, 97, 111, 113.
Llewelyn ap Gruffydd, prince of Wales, 141, 148, 153.
Lloyd (mariner), 82.
Lombard, William, 66.
London, 40–1, 66, 75, 101, 121–3, 154, 173–5.
Longspée, William de, Earl of Salisbury, 154.
Lords' Reports on the Dignity of a Peer, 173.
Lothaire, King of France, 138.
Louis VII, King of France, 138, 140–2.
Louis IX, King of France, 139 *n.*, 142–3, 146, 155, 157, 160–1.
Louis XI, King of France, 77–8.

Louis XIV, King of France, 54 *n.*
Lubimenko, Inna, 39 *n.*, 40 *n.*, 44 *n.*, 55 *n.*, 56 *n.*, 58 *n.*
Lynn, 67.

Macaulay, Thomas Babington, 14, 18.
Madog ap Gruffydd, 153.
Mainz, 139.
Maitland, F. W., 8, 27, 85, 86 *n.*
Malden, H. E., 10.
Malmesbury. *See* William of.
Malta, 75.
Manchester, 87, 103–4.
Manchester, Lord. *See* Montagu, Edward.
March, Earl of. *See* Mortimer, Edmund and Roger.
Marche, Count de la. *See* Charles IV, King of France.
Margam, abbey of, 144.
Marguerite, Queen of France, 142.
Marie de Wilshore, 65.
Marlborough, 175.
Marrok, Straits of, 69, 74.
Marsden, R. G., 25.
Marshall, William, 140–1, 144, 153–4.
Martini de Petracaulo, Mathei, 136.
Mary, Queen of England, and the borough of Clare, 115; and the borough of Sudbury, 106.
Mary and John (ship), 80.
Mary Canynges (ship), 80.
Mary Redcliffe (ship), 80.
Maxwell-Lyte, Sir Henry, 17–18, 30–4,
Mede, Philip, 76.
Medhern, John, 6.
Mediterranean Sea, the, 63, 70, 73–6.
Memoranda Rolls (Exchequer), 14, 145, 154.
Mendips, the, 62.
Merrick, John, 53, 56.
Merriman, R. B., 29.
Meulan, Countess of, 153.
Mikhail, Czar of Russia, death of, 40.
Milford Haven, 61.
Ministers' Accounts, 89, 91, 93, 99–102, 105, 107.
Modon, 71.
Molinier, Auguste, 177.
Montagu, Edward, Lord Manchester, 42.
Montauban, 176 *n.*
Montferrat, 147.
Montfort, Simon de, 160, 173.
Monthermer, Ralph de, 113.
Morena, Otto, 138.
Morocco, Straits of, 70.
Mortimer, Anne, 114.
Mortimer, Cicely, 114.
Mortimer, Edmund, Earl of March, 98, 100, 113.
Mortimer, Roger, Earl of March, 7, 99, 113.
Morton, Cardinal, 122.
Moscovy Company. *See* Muscovy.
Moscow, 43–7, 49–50, 52, 54–5, 57; archives of, 40, 54, 57.
Mullinger, Bass, 27.
Muscovy Company, the, 40–1, 43–4, 49–50, 56, 57, 59.

Naples, King of. *See* Alfonso I.
Nassau, Count of. *See* Adolf.
Nastchokine, 48.
Nevile, John de, 154.
Neville, Richard, Earl of Warwick, 76.
Newcastle, 67.
Newton, Sir Isaac, 17.
Nightingale, Luke, 44–7.
Nogaret, *see* William of,
Nomina Villarum, 86.
Norham, assembly held at (1291), 164.
Normandy, 66, 169.
Normandy, Duke of. *See* Richard I.
North Sea, the, 63.
Northampton, 138, 174–5.
Northern Registers, 175.
Northumberland, 36.
Northumberland, Duke of. *See* Dudley, John.
Norway, 63.

O'Callagan, Major, 26.
Ockham, John, 5, 6.
Olim, 159–60.
Oppenheim, M., 27.
Oxford, 146, 173–4; Bishop of, *see* Stubbs, William.
Oxford, Provisions of, 155, 158.
Oxford Studies, 36.

Page, William 39 *n.*
Pandulf, papal legate, 141.
Papal Letters, calendars of, 32.
Paris, Matthew, 146 *n.*, 172.
Paris, parlement of, comparison between the English parliament and the, 149, 167; functions of the, 164, 171; personal link between the English parliament and the, 165.
Paris, Peace of (1657), 53–4; (1259) 163.
Parker, John le, 96.

Parliament, comparison between the functions and procedure of, in various countries, 149–51, 163–8; composition of, 163–5, 169; connection between the King's court and, 147, 149, 152–5, 162; functions of, 143, 150–2, 158–61, 171; held by Alfonse of Poitiers (1270), 176–83; lack of popular representation in mediaeval, 168–70; mediaeval usage of the word, 137–51; relations between Russia and the Long, 41–3, 49, 57.
Parr, Katharine, 114.
Paston Letters, the, 10.
Patent Rolls, 17, 31, 106, 172–5.
Penchester, Stephen de, 163.
Paul, Sir Frederick, 136.
Pera, 73.
Peter of Vinea, 6.
Peter's Pence, 122.
Petitions to the Pope, calendars of, 23.
Philip II (Augustus), King of France, 140–1, 143, 152.
Philip III, King of France, 160.
Philip II, King of Spain, 106, 109.
Philippa, daughter of Lionel of Clarence, 113.
Picquigny, Jean, sire de, 164.
Picquigny, treaty of, 78.
Pisa, 70, 76.
Place Name Society, 36.
Plea Rolls, 10–14, 27, 35, 172.
Pleadings, mediaeval, humorous aspect of some, 10–14.
Plymouth, 61, 73.
Poitiers, Count of. *See* Alfonse.
Poland, war between Russia and, 53.
Pollard, A. F., 77.
Pollard, Mr., 9.
Pollock, Sir F., 85 *n.*, 86 *n.*
Ponthieu, 163.
Pontoise, 142.
Pope, Peter, 94.
Popes. *See* Boniface VIII, Clement IV, Clement VII, Innocent VIII, John XXII, Leo X.
Portugal, exportation of sugar to Bristol from, 64; reasons for severance of friendship between England and, 81.
Poulter, John, 108 *n.*
Poynton, Major, 35.
Pratt, J. R., 23.
Pridaux, William, 52.
Prothero, Sir George, 27.
Prozorovsky, Russian ambassador to England, 55 *n.*
Public Record Office, the, calendars of records issued by, 31–2; condition of ancient records deposited in, 29; departmental records in, 19–21, 29, 31; facilities afforded for the search of documents in, 10, 18–25, 30–1; Government Search Room, 18, 19, 21, 22, 25–8; guide to the MS. preserved in, 18, 30; Legal Search Room, 24, 27–28; lists and indexes of records issued by, 17, 24, 29, 32, 35; Literary Search Room, 22, 27–9; records agents working in, 28; structural changes made in, 18, 19, 24, 32, 33; the staff, 19–21, 28–34; type of student working in, 25–9, 34–6; work of Sir H. Maxwell Lyte for the, 30–4; work published by students of the, 35–6.
Pudlicott, Richard, robbery of treasury at Westminster by, 9.

Quercy, seneschal of, 176–83.

Ragemen, statute of, 156.
Ramsay, Sir James, 27.
Rançon, Godfrey of, 178.
Raymond VII, Count of Toulouse, 177–8.
Raynsforth, Edward, 107.
Raynsforth, Elizabeth, 107.
Reading, 153; abbot of, 164.
Realm, statutes of the, 175.
Records (mediaeval), character of, 2, 6, 8, 10–16; classification of, 8; instances of humour, etc., in, 4–7, 9, 11–15. *See* also Admiralty, Cape Colony, Colonial Office, Foreign Office, Home Office, Land Revenue, Lincolnshire, South Africa, War Office.
Records and Record Searching, 18, 24.
Redvers, Baldwin de, Earl of Devon, 153.
Registers. *See* Giffard, Walter, and Northern Registers.
Renart, Jean, 139–40.
René, Duke of Anjou, 75.
Reval, 50.
Rhodes, Swedish Ambassador to Russia, 50 *n.*
Ricart, Robert, 76 *n.*
Richard I, Duke of Normandy, 138.

Richard I, King of England, records relating to the reign of, 8; meeting between Philip II of France and, 140.
Richard II, King of England, 7, 16.
Richard, Duke of York, 102, 114.
Richard, Earl of Cornwall, 148.
Richard of Bienfaite, 112.
Ridgwell (Essex), 96.
Riga, 54.
Rigaud, Eudes, 151.
Robert de Insula, Bishop of Durham, 167.
Robert de Pistua, 92.
Rodney, H., 25.
Rogeroun, Richard, 96.
Rolls, Master of the. *See* Cozens-Hardy, H. H.
Rolls. *See* Assize, Charter, Close, Court, Curia Regis, Fine, Hundred, Liberate, Memoranda Patent, Plea.
Rolls House. *See* Public Record Office.
Rome, 7, 32, 128, 139.
Roncaglia, diet of, 138.
Rose, Prof. J. Holland, 27.
Roses, Wars of the, 10, 122.
Rotuli Curiae Regis, 8–9.
Rouerge, seneschal of, 176–83.
Runymede, parliament of, 144 *n.*
Russia, commercial policy of, 57; commercial relations between England and, 39, 41–51, 56–7, 59; diplomatic relations between England and, 39–44, 47, 49–53, 55–8; effect of the establishment of the Protectorate in England upon, 58; effect of the execution of Charles I upon, 48; proposed peace between Sweden and, 53–4, 59; reasons for the change in relations between England and, 56; war between Poland and, 53.
Russia, Czars of. *See* Alexis, and Mikhail.
Rye, Walter, 18, 24, 35.
Rymer's *Foedera*, 68 *n.*, 73 *n.*, 172–4.

St. John, Abbey of (Colchester), 144.
Saint Louis. *See* Louis IX.
St. Mary Redcliffe (Bristol), 81.
St. Nicholas' Church (Bristol), 66, 73.
Saint Pathus, Guillaume de, 143 *n.*
Saint Pol, Pierre de, 149 *n.*
Saint Quentin, Agnes wife of Herbert of, a virago, 9.
Saintonge (Xactonia), seneschal of, 176 *n.*, 178.
Salamon, Dr. Felix, 27.
Salford, 103.
Salisbury, Earl of. *See* Longspée, William de.
Sandwich, 76.
Sandwich, Thomas of, 163.
Santa Chiara, Convent of, 129, 136.
Sayles, G. O., 10–11, 172.
Scargill-Bird, S. R., 18, 30.
Scotland, development of parliament in, 146, 148, 158, 162–5, 168, 170–1.
Scotland, Kings of. *See* Alexander II, Alexander III, James III, William the Lion.
Scottish Historical Review, 10.
Segrave, Nicholas, 163.
Severn (river), 61–2.
Seville, 70.
Shipward, John, 80.
Shotover, 154.
Shrewsbury, 175.
Simon, Cardinal of St. Cecilia, papal legate, 151.
Soissons, 141.
Soloviev, P., 48 *n.*, 53 *n.*
South Africa, records relating to, 26–7.
Spain, 73, 79, 81, 101.
Staines, 140–1.
Stamp, A. E., 17.
State Papers, calendars of, 32.
State Paper Office. *See* Public Record Office.
Statutes. *See* Ragemen, Realm, Winchester.
Stevens, B. F., 18.
Stevenson, W. H., 17, 26.
Stilus Curie Parlamenti, 142.
Stockbridge Common, 28.
Stoke-by-Clare, 87, 93, 96, 112.
Stonor Papers, the, 10.
Stour (river), 88, 90.
Stourton, Sir John, 76.
Stow Wood, 154.
Stowe, John, 118.
Stradishall, 93 *n.*
Strafford, Lord. *See* Wentworth, Thomas.
Strange, Thomas, 79.
Stubbs, William, Bishop of Oxford, 27.
Sturminster, 153.
Sturmy, Ellen, 72.
Sturmy, Robert, 69–77.
Sudbury (Suffolk), 93, 101, 106.

Suffolk, 88.
Sweden, commercial relations between the English Company in Russia and, 47–8, 50; effect upon Anglo-Russian relations of friendship with, 56.

Tait, J., 86 *n.*, 103 *n.*
Tarragona, 15.
Taverner, John, 69.
Taylor, John le, 96.
Testa de Nevill, 34.
Thames (river), 40, 61.
Thaxted (Essex), 93, 102.
Theal, Dr. G. McCall, 27.
The Hague, 47.
Thomas, Earl of Lancaster, 5.
Tiavzine, Treaty of, 50.
Tolsey Court (Bristol), 62, 72.
Toulouse (Tholosa), parliament held at (1270), 166, 176–83; seneschal of, 176–7.
Toulouse, Count of. *See* Raymond VII.
Toulouse, seneschal of, 176–83.
Tout, T. F., 27.
Treaties. *See* Paris, Picquigny, Tiavzine.
Trombetta, Criscentinus, 136.
Tunstall, Bishop, 121.
Turner, G. J., 29.
Tryklowe, John, 101.

Ubaldo, Guido, 137.
Ulster, Earl of. *See* Lionel, duke of Clarence.
Urbino, 117, 127, 129, 131–3, 136; duke of, *see* Francesco Maria I.

Vatican, archives housed in the, 7, 32; library, 117, 128–9.
Venice, 69–70, 73.
Vergil, Girolamo, 132 *n.*
Vergil, Matteo, 132 *n.*
Vergil, Polydore, death of, 127; his *Historia Anglica*, 117–20, 127–30; knowledge of languages shown by, 124–5; pioneer work of, 118–9, 121; royal favour shown to, 126; visit to England of, 122–6; visit to Italy of, 127–8; will of, 117, 126–7, 129–36; works of, 117–21, 124–5, 127, 129–36
Veterani, Federigo, 129.
Victoria, Queen of England, and the Public Record Office, 31.
Victoria County History, 36.
Villehardouin, Geoffrey de, 141.
Vinea. *See* Peter of Vinea.
Vinogradoff, Sir Paul, 36.
Vologda, 50, 52.

Wace, Robert, 138–9.
Wadley, T. P., 79 *n.*
Wales, development of parliament in, 144–5, 148; trade between Bristol and, 62.
Wales, Prince of. *See* Llewelyn.
Wars. *See* Civil, Hundred, Roses.
War Office, records, 20, 21, 25, 33, 36.
Warr, Roger la, 103.
Warwick, Earl of. *See* Neville, Richard.
Weavers' Hall (Bristol), 62.
Webb, Beatrice, 92 *n.*, 110 *n.*
Webb, Sidney, 92 *n.*, 110 *n.*
Webster, C. K., 27.
Wedgwood, Colonel, 36.
Weiner, A., 51 *n.*
Wendover, Roger, 146 *n.*
Wentford, 89–90.
Wentworth, Thomas, Earl of Strafford, 41.
Westminster, parliament held at, 165, 172–5; provisions of, 159 *n.*; Chapter House, robbery of the Treasury in, 9.
Weston, Henry, 72.
Wey, William, 71 *n.*, 73 *n.*
Whatlok, George, 107.
White Sea, the, 50.
William I, King of England, 138.
William de Hauville, 144.
William of Gainsborough, Bishop of Worcester, 164–5.
William of Malmesbury, 152
William of Nogaret, 15.
William Salt Society, 36.
William the Lion, King of Scotland, 138.
Winchester, Archdeacon of. *See* Henry de Helingeye, Bishop of. *See* Wykeham, William of.
Winchester, parliaments held at, 141, 174–5; statute of, 156.
Windsor, parliament held in, 173; records housed in, 6.
Wisgar, 112.
Wolsey, Thomas, 127–8, 130, 132 *n.*
Woodville, Elizabeth, Queen of England, 126.
Worcester, 141, 153.
Worcester, Bishop of. *See* William of Gainsborough.
Worcester, William of, 71, 79–80.

Worler, David, 6.
Wretts-Smith, Mildred, 39 *n.*
Wright, Thomas, 67 *n.*
Wykeham, William of, Bishop of Winchester, 6.

Yaroslavl, 50.
Year Books, the, 8.
York, 61, 167.
York, Archbishop of. *See* Giffard, Walter.
York, Duchess of. *See* Cicely.
York, Duke of. *See* Richard.
Young, Thomas, 72.

REPORT OF THE COUNCIL. SESSION 1926–1927.

The Council of the Royal Historical Society have the honour of presenting their Annual Report to the General Meeting of the Fellows, as follows :—

With much regret the Council have to announce the deaths of several distinguished Fellows.

Earl Amherst represented a family who had a great share in making History. The first Lord Amherst of Montreal was the final conqueror of Canada ; the second, created Earl Amherst of Arracan, was Governor-General of India.

Mrs. Burton Brown, M.A., was a learned writer upon the antiquities, and more especially the prehistoric antiquities, of Rome.

Miss Frances G. Davenport, Ph.D., was engaged for more than thirty years in researches dealing with English manorial history and the Treaty History of the United States successively.

Professor Egerton, M.A., formerly Professor of Colonial History at Oxford, was a leading authority upon the history of the foundation of the Empire.

Professor Herbert D. Foster, Ph.D., of Dartmouth College, New Hampshire, U.S.A., was exceptionally effective as a teacher, and published numerous articles on Calvin and Puritanism in general.

Miss Alice Gardner, M.A., was formerly Lecturer in History at Newnham College, Cambridge, and well known for her mastery of Byzantine history. Her influence as a teacher was felt among a wide circle of students.

Mr. Walter Leaf, Litt.D., D.Litt., was a brilliant example of the combination, happily not unknown in England, though less usual elsewhere, of a man of affairs and a scholar. He gave a new impulse to the study of the Homeric poems and the early history of Greece.

Professor Liversidge, F.R.S., LL.D., Emeritus Professor of Chemistry in the University of Sydney, and well known for his researches in chemistry and mineralogy, was an honorary Fellow of long standing.

Mr. R. G. Marsden, M.A., had an unique knowledge of the antiquities of the Admiralty, and of British Maritime Commerce. He was stroke of the Oxford University Boat sixty years ago.

Mr. Walter W. Seton, M.A., D.Litt., was Secretary of University College, London, and Lecturer upon Scottish History. He was also Secretary and a valuable contributor to the work of the British Society of Franciscan Studies.

Sir Charles Walston, Litt.D., Ph.D., was a well-known authority upon classical art and antiquities, and for some years holder of the Disney Chair of Classical Archæology at Cambridge.

The Rooms of the Society have been used for the Meetings of the British Archæological Association, the British Society of Franciscan Studies, the Canterbury and York Society, the Huguenot Society, the Jersey Society, the Lingard Society, the Royal Numismatic Society, the Central London Branch of the Historical Association, and for the Annual Meeting of the Association of University Women Teachers.

On July 17 a Reception was held, when by the courtesy of the Commissioners the garden of Russell Square was thrown open for the Fellows and their friends. In a watery season the sun shone kindly upon the gathering. In the house an exhibition was provided of antiquities, collected and exhibited by Mr. H. S. Gordon, dug up close to Fetter Lane and eloquently speaking of the many strata of curiosities, from the Stone Age to the last century, which underlie London. The thanks of the Society are due to Mr. Gordon for his kindness in lending his finds, and the great trouble which he took in transporting, arranging, and explaining them.

The Society was represented at the meeting arranged by the Society of Arts to consider means for preserving the cottage architecture of this country, and at the Anglo-American Conference Mr. H. Sands was chosen to represent the Society on the Advisory Committee appointed to deal with the preservation of Ancient Cottages. Miss E. Jeffries Davis was appointed to represent us on the Council of the London Society, *vice* the late Mr. Kingsford, whose death was reported and deplored in the last Report.

Mr. W. Miller, our learned and indefatigable representative in Greece, acted for the Society at the gathering to commemorate the battle of Navarino and the liberation of Greece, held on the spot.

The Society associated itself with the protest against the demolition of the two historic churches in Lincoln : St. Peter's at Arches, and St. Benedict's.

The Bibliography of British History, initiated by English and American Committees, and unavoidably delayed by the war, is making progress. The matter for the seventeenth-century volume is in the hands of the Oxford Press.

In the Library the card catalogue has been completed, and Mr. R. O. Dougan has been appointed as a permanent Library assistant.

Among gifts special record must be made of the historical books from the late Mr. Kingsford's library, presented by Mrs. Kingsford. Our thanks are heartily offered to her, and to other donors ; especially also to Mr. Chance, who continues to give us his valuable Egyptian records ; to Sir Harry Poland, from whom we receive the publications of the Selden Society ; and to Mr. C. E. Lawrence, the co-editor of the *Quarterly Review*. Exchanges have been arranged with the Historisch Genootschap, Utrecht, and with the University of Lwow (Lemberg) for Polish History.

In order to make clear to Fellows what foreign and

colonial Series are to be found in the Library, a leaflet was printed and distributed in February. New bookcases have been put up, a necessary consequence of the great increase in the Library.

Members of the British Archæological Association, whose Society has by leave deposited some books in our keeping, are being allowed to use our Library, for reading on the spot only, upon the recommendation of such Members by their Secretary.

In the personnel of the Vice-Presidents and Council the following changes have been made :

Miss Rose Graham, M.A., F.S.A., was co-opted to fill the vacancy among the Vice-Presidents caused by the death of Mr. Kingsford.

The Vice-Presidents retiring under By-law XVII were Hubert Hall, Litt.D., F.S.A., and A. G. Little, M.A., F.S.A. The vacancies were filled by the election of H. P. Biggar, LL.D., B.Litt., and of G. P. Gooch, D.Litt., F.B.A.

The Members of Council retiring under the same By-law were Miss E. C. Lodge, M.A., Mrs. Lomas, W. G. Perrin, O.B.E., and Miss Rose Graham, M.A., F.S.A. The following were elected in their places : Z. N. Brooke, M.A. ; Professor H. W. C. Davis, C.B.E., M.A., F.B.A. ; Professor Hilda Johnstone, M.A. ; J. Goronwy Edwards, M.A. ; Miss Bertha Phillpotts, O.B.E., D.Litt. ; Professor F. M. Powicke, Litt.D., F.B.A. ; C. W. Previté-Orton, M.A. ; Professor Basil Williams, M.A.

J. F. Chance, M.A., was re-elected Auditor for the Council, and W. Page, F.S.A., and A. F. Sieveking, F.S.A., for the Fellows.

An amendment to By-law IX, relating to Life Compositions, was passed at the Anniversary Meeting on Thursday, February 10, so that By-law IX now reads as follows :

Fellows of the Society may at any time compound for their annual subscription by one payment according to the following scale, provided that there shall be at the time no arrears due by them to the Society :

Under	30	years of age	.	28	Guineas.
,,	40	,, ,,	.	26	,,
,,	50	,, ,,	.	24	,,
,,	55	,, ,,	.	22	,,
,,	60	,, ,,	.	20	,,
,,	65	,, ,,	.	15	,,
,,	70	,, ,,	.	10	,,
Over	70	,, ,,	.	8	,,

Fellows who have been annual subscribers for a minimum of ten years may be allowed a rebate of One Guinea for each five years' subscription paid. Two-thirds of each life subscription shall be placed to the Capital Account of the Society, provided that the capital liability on account of life subscriptions shown in the Society's accounts shall not exceed the sum of £15 for each Life Member living at the end of the financial year.

The Society has contributed ten guineas to the expenses of the National Committee for the furtherance of the International Historical Conference at Oslo, which is to be held from August 14–18, 1928. Delegates will be appointed in due course to represent the Society at the Congress. Details of the Congress can be obtained from the Hon. Secretary of our Society. The representatives of the Society on the permanent Committee are Professor T. F. Tout, LL.D., Litt.D., D.Litt., F.B.A., and Mr. H. W. V. Temperley, O.B.E., Litt.D., F.B.A.

In 1928 the Society will celebrate the sixtieth anniversary of its foundation. The occasion will be marked by special arrangements for a dinner, in the autumn, details of which will be announced in due course.

The following Papers were read in the course of the Session 1926–1927 :—

"Some Attempts at Imperial Co-operation in the Reign of Queen Anne." By Professor W. T. Morgan, Ph.D., F.R.Hist.S. (November 11, 1926.)

"The Diplomatic Service under William III." By Miss M. Lane, M.A. (December 9, 1926.)

"The Reign of Henry III: Some Suggestions." By E. F. Jacob, M.A., D.Phil., F.R.Hist.S. (January 13, 1927.)

"The Reforms at the Exchequer, 1232–1242." By Miss M. H. Mills, M.A. (March 10, 1927.)
"The Duchy of Cornwall: its History and Administration." By Miss M. Coate, M.A., F.R.Hist.S.
"The Parlement of Paris." By H. G. Richardson, M.A., B.Sc., F.R.Hist.S. (May 12, 1927.)

The President, Professor T. F. Tout, LL.D., Litt.D., D.Litt., F.B.A., delivered an Address at the Annual Meeting on February 10, 1927, in which he invited the serious attention of the Society to a new phase in the international study of History.

The Alexander Medal was awarded to Mr. W. A. Pantin, B.A., Lecturer in the University of Manchester, for an Essay on "The Chapters of the English Black Monks, 1215–1540."

Seven Essays were sent in and the examiners expressed their satisfaction with the standard reached by the competitors. Besides the Prize Essay two others were highly commended, namely "The Political Thought of the Elizabethan Reformers," by E. W. Woodhead, B.A.; and "The Prelude to Discovery: some Developments in Bristol's Over-seas Trade at the Close of the Middle Ages," by Miss E. Carus Wilson, M.A. The substance of the latter essay will be read as a Paper during the present Session. The above Papers with the President's Address and the Alexander Prize Essay are printed in the *Transactions*, Fourth Series, Vol. X.

In view of the fact that the Stock of the original Endowment of the Alexander Prize had ceased to bear interest since the Great War, the Council appointed a Committee to consider the best means of meeting this liability, and also to report on the desirability of awarding the Prize in the form of a medal or of books. The Committee reported in favour of continuing the award of the medal on the present lines.

In addition to the Current Volume of *Transactions*, Volume IV of the Series of British Diplomatic Instructions, namely France, Part II. 1721–1727, edited by Mr. L. G. Wickham Legg, M.A., has been issued, and Volume V. of

the same series, namely Sweden, Part II, 1727–1789, edited by Mr. J. F. Chance, M.A., V.P.R.Hist.S., is ready in the press. Volume XV of the *Camden Miscellany* will be sent to press shortly, with a new text of the *Life and Miracles of Wulfstan*, edited by Mr. R. R. Darlington, M.A. The Council has now completed the arrangements for the publication of the remainder of John of Gaunt's Register (1374–1376) to be edited in two further volumes by Mrs. Margaret Sharp, M.A., Ph.D. Two earlier volumes of this important record were published in Nos. 20 and 21 of the Camden Third Series, edited by Mr. Sydney Armitage-Smith, C.B., M.A. The loan of the transcript of the Registers was obtained by the intervention of Mr. Sydney Armitage-Smith, and kindly placed at the disposal of the Society. The Council has also accepted the offer of Miss F. H. Relf, Ph.D., F.R.Hist.S., Professor of History at Wells College, N.Y., to edit in a volume of the Camden Third Series the remaining Notes of Debates in the House of Lords (1626–1628) compiled by Henry Elsing. These notes have been discovered by Professor Relf in various quarters (as described by her in the *Transactions* for 1924–1925) and this volume will complete the edition of the *Notes* edited by the late Dr. S. R. Gardiner in the Camden New Series (No. 24).

In order to facilitate reference to the several series of the Society's publications, the Council has arranged for the inclusion of a printed list of the same in this and future volumes of the *Transactions*.

With regard to the house and premises, the outside of the house has been repainted, and a new bath-room has been installed for the use of the caretaker's family.

By death the Society has lost 13 Fellows, and 1 Hon. Fellow; by resignation 11 Fellows and 2 Libraries; and 5 Fellows have had their names removed from the Roll for non-payment of subscriptions. By election we have gained 34 Fellows and 8 Libraries, and 3 Fellows and 3 Libraries have been reinstated.

The Secretary reports that the total membership of the Society on October 31, 1927, was 789 Fellows, including Ordinary, Life, Honorary and Corresponding Fellows. There were 255 subscribing Libraries. Of the Fellows, 6 were Honorary, 21 were Corresponding Members and 137 were Life Fellows. There are 62 Societies, British and Foreign, which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that there was on October 31 a balance of income over expenditure of £809 17*s.* 5*d.* If the amount (£512) due to the printers but not yet paid be deducted, the balance of income over expenditure would be reduced to £297 17*s.* 5*d.*

The Council, by arrangement with the Bedford Estate, have sold a portion of the garden at the back of the house to Messrs. Wolfe for the purpose of a garage, and the amount realised has been invested.

The cost of painting the outside of the house, the provision of a new bath-room, and the expenses in connection with the re-arrangement, re-classification and re-cataloguing of the Library (all commitments foreshadowed in the last report) have been met out of the revenue of the year.

The Pension Fund established last year has been increased by a further investment in War Stock 5 per cent. of £50 and now stands in the Balance Sheet at £162 9*s.*

The investment in War Bonds 4 per cent. having matured has been transferred to the new Conversion Stock $3\frac{1}{2}$ per cent., in which security the Society now holds £800.

A sum of £512 should be added to the liabilities for the amount due to the printers for works in progress (publications due to Fellows for the year 1927).

Eighteen Fellows have taken advantage of the amendment to By-law IX, by compounding for their subscription, and it is increasingly necessary for the Council to provide that a proper proportion of the Life Subscriptions received is safely invested, in order to comply with the constitution of the Society, and to ensure an adequate income for the carrying on of the Society's work.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account relating to the Year ending October 31, 1927.

Income.	£	s.	d.	£	s.	d.
Subscriptions received for years 1920 to 1926.	£99	0	0			
Less amount estimated to be received in last year's accounts for subscriptions in arrear	30	0	0			
Subscriptions in arrear, received in excess of estimate				69	0	0
Subscriptions now in arrear estimated to be received				40	0	0
Subscriptions of 1927:						
,, ,, 6 at 20s.	6	0	0			
,, ,, 7 at 21s.	7	7	0			
,, ,, 248 at 30s.	372	0	0			
,, ,, 600 at 42s.	1260	0	0			
				1645	7	0
Life subscriptions	274	1	0			
Less proportion required by By-law IX to be invested (see Balance-sheet)	182	0	0			
				92	1	0
Dividends on Investments				106	14	0
Interest on Deposit Account at Bank				23	19	3
Rentals received				261	10	10
Miscellaneous Receipts, including proceeds of sale of portion of garden, £301 5s. 5d.				302	7	6
				£2548	19	7

Expenditure.	£	s.	d.	£	s.	d.
Publications*: Printing, Distributing, Editing and Indexing	£341	2	1			
Less received from Sales	73	8	6			
				267	13	7
Salaries and Wages				633	13	9
Rent of Premises, 22 Russell Square				170	0	0
Coal				30	14	11
Electric Light, Gas, etc.				23	3	10
Rates (Parochial, etc.) and Taxes				194	9	1
General Printing and Stationery				48	9	2
Library: Books, Periodicals, Binding, and Cataloguing				139	4	0
Postages, etc.				25	10	2
Premises, 22 Russell Square: including Telephone, Bookcases, Outside painting, new Bath room and Repairs				126	2	8
Insurance (Fire, National Health, etc.)				10	10	2
Monthly Meetings, including Party (cost of Refreshments)				22	5	2
Alexander Medal				3	5	0
Sundries (Petty Cash payments)				44	0	8
Balance, being excess of Income over Expenditure for the year ending October 31, 1927, carried to Balance-sheet				809	17	5
				£2548	19	7

* Not inclusive of £512 due to Printers and chargeable against the income of 1927, but not paid till 1928.

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1927.

Liabilities.		£ s. d.
Life subscriptions required to be invested as Capital Account (By-law IX): amount brought forward from last Balance-sheet	£2144 0 0	
Proportion of Life subscriptions received in 1927 (see Income and Expenditure Account)	182 0 0	
		2326 0 0
Pension Fund:		
Balance from last year	105 11 0	
Interest received	6 5 0	
Cost of £50 War Stock 5%	50 13 0	
		162 9 0
		2488 9 0
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, War Stock 5%, National Savings Certificates, Conversion Stock 4½%, Conversion Stock 3½% and Cash on Deposit—see *contra*.]		
Subscriptions received in advance		23 7 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£3029 12 9	
Deduct Pension Fund (as above)	50 13 0	
	2978 19 9	
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	809 17 5	
		3788 17 2
		£6300 13 2

Assets.		£ s. d.
Consols 2½%, £699 9s. 9d. valued at	£314 0 0	
India 3½% Stock, £900 valued at	500 0 0	
Canada 3½% Stock, £300 valued at	200 0 0	
500 National Savings Certificates, at cost	400 0 0	
War Stock 5%, £600 valued at	533 14 0	
Conversion Stock 4½%, £1100 at cost	1056 4 3	
Conversion Stock 3½%, £800 at cost	601 12 2	
		3605 10 5
[The current market value of the above investments is £3923]		
Cash at Bank: Current Account	£23 6 3	
" Deposit	631 9 2	
Petty Cash Balance in hand	0 7 4	
		655 2 9
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Printer (value as insured)		500 0 0
Library (value as insured)		1000 0 0
" Manuscripts (value as insured)		100 0 0
Furniture, etc. " "		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		40 0 0
		£6300 13 2

(*Signed*) Charles Johnson, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct. A sum of £512 is due to the printers for publications chargeable against the income of 1927, but being unpaid at the date of this report, is omitted from the Income and Expenditure Account and also from the Liabilities in the Balance Sheet.

(*Signed*) J. Frederick Chance,
A. Forbes Sieveking, } *Auditors.*

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Grimsby Public Library.

Hawarden, St. Deiniol's Library.
Hove Public Library.

Ireland, National Library of (*see* Dublin).

Leeds Church Institute.
Library, Commercial Street, Leeds.
Public Library.
The University.
Leicester Municipal Library, Wellington Street.
Liverpool, Athenæum Library, 40 Church Street.
Public Library.
University.
London, The Admiralty Library, S.W.
The Athenæum Club, Pall Mall, S.W.
Battersea Public Libraries, Lavender Hill, S.W.
Bedford College for Women, Regent's Park, N.W.8.
Birkbeck College, Bream's Buildings, Chancery Lane, W.C.
British Museum, W.C.1.
Chelsea Public Library, Manresa Road.
Fulham Public Library, 598 Fulham Road, S.W.
Gray's Inn Library, W.C.
Guildhall Library, E.C.1.
Hammersmith Carnegie Central Library, W.
House of Commons Library, S.W.
Inner Temple Library, E.C.4.
Institute of Historical Research, Malet Street, Bloomsbury, W.C.1.
Kensington Public Library, High Street, W.8.
King's College Library, Strand, W.C.2.
The Law Society Library, Chancery Lane, W.C.2.
Lincoln's Inn Library, W.C.2.
London Library, St. James's Square, S.W.
London University, South Kensington, S.W.
Middle Temple Library, E.C.4.
National Portrait Gallery, S.W.
New University Club, St. James's Street, S.W.
The Oratory, South Kensington, S.W.
Oxford and Cambridge Club, 21 Pall Mall, S.W.
Public Record Office, W.C.2.
Reform Club, Pall Mall, S.W.
Royal Institution, 21 Albemarle Street, W.
Royal Societies Club, 63 St. James's Street, S.W.
St. George's Public Library, Buckingham Palace Road, S.W.
Shoreditch Public Library, Pitfield Street, N.
Sion College Library, Victoria Embankment, S.W.
Southwark Central Library, Walworth Road, S.E.
Stoke Newington Public Library, Church Street, N.
United University Club, 1 Suffolk Street, S.W.
University College Library, Gower Street, W.C.1.
Westfield College Library, Hampstead, N.W.3.
Dr. Williams's Library, Gordon Square, W.C.1.

Manchester, The John Rylands Library.
Public Libraries.
Middlesbrough Free Library, Municipal Buildings.
Mirfield, House of the Resurrection.

Newcastle-upon-Tyne Literary and Philosophical Society.
Public Library.
Newport (Mon.), Public Library.
Norfolk and Norwich Library, Norwich.
Nottingham Public Reference Library.

Oldham, Union Street Library.
Oxford, All Souls College.
Balliol College.
Bodleian Library.
Exeter College.
Keble College.
Magdalen College.
Manchester College.
Merton College.
Queen's College.
St. John's College.
Union Society.

Preston Library (Dr. Shepherd's).

Reading Free Public Library, Blagrave Street.

St. Andrews University.
Scotland, National Library of (*see* Edinburgh).
Sheffield Public Library.
Stafford, William Salt Public Library.
Stonyhurst College, Whalley, Lancs.
Swansea University College, Singleton Park.

Wales, National Library of (*see* Aberystwyth).
Wigan Public Library.
Wimbledon Public Library.
Windsor Royal Library, Windsor Castle.
Workington Public Library.

York Public Library.
Yorkshire Architectural and Archæological Society, c/o G. Benson, Esq., Grasslyn, Thirsk Road, Easingwold, Yorks.

BRITISH DOMINIONS AND INDIA.

Adelaide (South Australia), Public Library.
Adelaide (South Australia), University Library.
Allahabad (India), University Library.

Bombay (India), University Library.
Brisbane (Queensland), Public Library of Queensland.
Brisbane (Queensland), University of Queensland.
Bulawayo (South Africa), Public Library.

Calcutta (India), Imperial Library.
Canberra (Australia), Library of the Parliament of the Commonwealth.
Cape Town (South Africa), South African Library.
Colombo (Ceylon), University College.

Dunedin (New Zealand), Otago University Library.

Grahamstown (South Africa), Rhodes University College Library.

Halifax (Nova Scotia), Legislative Library.

Johannesburg (South Africa), Public Library.

Lahore (India), University of the Punjab.
London (Canada), University of Western Ontario.
Lucknow (India), Isabella Thoburn College.

Melbourne (Victoria), University Central Library.
Melbourne (Victoria), Public Library.
Montreal (Canada), McGill University Library.

Ottawa (Canada), Library of Parliament.

Patna (India), Patna College Library.
Perth (West Australia), Public Library.
Pretoria (South Africa), State Library.

Sydney (New South Wales), Public Library of New South Wales.
Sydney (New South Wales), University Library.

Toronto (Canada), Legislative Library of Ontario.
Toronto (Canada), Public Library.

Victoria (British Columbia), Provincial Library.

Wellington (New Zealand), General Assembly Library.

FOREIGN COUNTRIES.

BELGIUM.

Brussels, Bibliothèque Royale.
Gand, Bibliothèque de l'Université, 2 Fosse d'Othon.
Louvain, Bibliothèque de l'Université.

CHINA.

Peking, The Metropolitan Library.

DENMARK.

Copenhagen, Kongelige Bibliothek.

FRANCE.

Paris, Bibliothèque Nationale.
Institut de France.
Université de Paris.
Strasburg, Bibliothèque Nationale et Universitaire, 6 Place de la Republique.

GERMANY.

Berlin, Institut für Ausländisches öffentliches Recht, Berlin C.2 Schloss.
Berlin, Preussische Staats-Bibliothek.
Bonn, Universitäts-Bibliothek.
Breslau, Universitäts-Bibliothek.
Darmstadt, Hessisches Landes-Bibliothek.
Erlangen, Universitäts-Bibliothek.
Freiburg, Universitäts-Bibliothek.
Göttingen, Universitäts-Bibliothek.

Greifswald, Universitäts-Bibliothek.
Halle, Universitäts-Bibliothek.
Hamburg, Institut für Auswärtige Politik, Poststrasse 19, Staats-Bibliothek.
Hamburg, Staats-Bibliothek.
Heidelberg, Universitäts-Bibliothek.
Kiel, Universitäts-Bibliothek.
Königsberg, Universitäts-Bibliothek.
Leipzig, Universitäts-Bibliothek.
Marburg, Universitäts-Bibliothek.
Münich, Bayer Staats-Bibliothek.

NORWAY.

Oslo, The University Library.

POLAND.

Warsaw, Biblioteka Min. Spraw Zagr. (Foreign Office Library).

RUSSIA.

Leningrad Staats-Bibliothek.

SWEDEN.

Götebörg, Staadsbibliothet.
Stockholm, Kungl. Biblioteket.
Uppsala, Kungl. Universitets-Bibliothek.

UNITED STATES.

Albany (N.Y.), New York State Library.
Amherst (Mass.), Amherst College Library.
Ann Arbor (Mich.), Michigan University Library.
Austin (Texas), University of Texas.

Baltimore (Md.), Enoch Pratt Library.
Johns Hopkins University Library,
Peabody Institute Library.
Berkeley (Cal.), California University Library.
Bloomington (Ind.), Indiana University Library.
Boston (Mass.), Athenæum.
Public Library.
Brunswick (Me.), Bowdoin College Library.
Bryn Mawr (Pa.), Bryn Mawr College Library.
Buffalo (N.Y.), Grosvenor Public Library.

Cambridge (Mass.), Harvard College Library.
Cambridge (Mass.) Harvard Law School Library.
Chicago (Ill.), Newberry Library.
University Library.
Cincinnati (Ohio), Public Library.
Cleveland (Ohio), Public Library.
Clinton (New York), Hamilton College Library.
Columbus (Ohio), State University Library.

Detroit (Mich.), Public Library.

Grand Forks (N. Dakota), North Dakota University.
Grand Rapids (Mass.), Public Library.
Granston (Ill.), North Western University.

Hanover (N.H.), Dartmouth College Library.
Haverford (Pa.), Haverford College Library.
Houston (Texas), Rice Institute Library.

Ithaca (N.Y.), Cornell University Library.

Jersey City (N.J.), Free Library.

Lansing (Mich.), State Library.
Lawrence (Kans.), Kansas University Library.
Lincoln (Neb.), Nebraska University Library.

Madison (Wis.), State Historical Society of Wisconsin.
Milwaukee (Wis.), Public Library.
Minneapolis (Minn.), Athenæum Library.
Minnesota University Library.

Newark (N.J.), Free Public Library.
New Haven (Conn.), Yale University Library.
New York, Columbia University Library.
General Theological Seminary Library.
Public Library.
University Club Library.

Philadelphia (Pa.), Library Company of Philadelphia.
Pennsylvania University Library.
Yarnall Library of Theology, 42nd and Locust Streets.
Pittsburg (Pa.), Carnegie Library.
Poughkeepsie (N.Y.), Vassar College Library.
Princeton (N.J.), Princeton University Library.
Providence (R.I.), Brown University Library.

Richmond (Va.), Virginia State Library.
Rochester (N.Y.), University Library.

St. Louis (Mo.), Public Library.
St. Louis (Mo.), Washington University.
San Francisco (Cal.), Public Library.
San Marino (Cal.), Henry E. Huntington Library.
Seattle (D.C.), University of Washington.
Seattle (D.C.), University of Washington Law School.
South Bethlehem (Pa.), Lehigh University Library.
South Hadley (Mass.), Mount Holyoke College Library.
Stanford (Cal.), University Library.

Terre Haute (Ind.), Indiana State Normal School Library.
Topeka (Kans.), Kansas State Historical Society.

Urbana (Ill.), Illinois University Library.

Washington (D.C.), Carnegie Endowment for International Peace, 2 Jackson Place.
Washington (D.C.), Catholic University of America.
Wellesley (Mass.), Wellesley College Library.
Williamstown (Mass.), Williams College Library.
Winona (Minn.), College of Saint Teresa.

HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

WHICH EXCHANGE TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY.

Society of Antiquaries, Burlington House, London, W.
Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 63 Chancery Lane, W.C.
Surrey Archæological Society, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.
The University, Manchester.
Thoroton Society, Nottingham.

HISTORICAL SOCIETIES ABROAD

WHICH EXCHANGE TRANSACTIONS WITH THE SOCIETY.

AUSTRALIA.

Royal Australian Historical Society, Department of Education Offices, Bridge Street, Sydney, Australia.

AUSTRIA.

Akad. der Wissenschaften, Vienna.

BELGIUM.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, Palais des Académies, Brussels.
Académie Royale d'Archéologie de Belgique, Rue de Witte, 59, Antwerp.
Archives, Hotel de Ville, Antwerp.
Société d'Archéologie de Bruxelles, 11 Rue Ravenstein, Brussels.

CANADA.

Public Archives of Canada, Ottawa.
Toronto University.

CZECKO-SLOVAKIA.

Böhmischen Gesellschaft der Wissenschaften, Alstadt, c. Nr. 562, Prague.

DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

FRANCE.

Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Société de l'École Nationale des Chartes, 17 Rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société des Antiquaires de l'Ouest, Rue des Grandes-Écoles, Poitiers.

GERMANY.

Notgemeinschaft der Deutschen Wissenschaft, 3 Schlosz Portal, Berlin.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
Reale Academia dei Lincei, Rome.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax, N.S.

POLAND.

L'Institut National Ossolinski Leopol (Lwow).
Polskie Towarzystwo Historyczne, Lwow Universitets (Leopol), Lwow.
Societas Scientiarum Varsaviensis, 8 Sniadeckich, Warsaw.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Revista de Historia, Av. do duque de Avila, Lisbon. 112.3°.

ROUMANIA.

Academia Romana, Bucharest.

RUSSIA.

Académie des Sciences d'Ukraïne, Rue Victime de la Révolution, Kyïv, Ukraine.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

K. Universitets Biblioteket, Lund.
Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Universitäts-Bibliothek.

UNITED STATES.

American Antiquarian Society, Worcester, Mass.
American Jewish Historical Society, c/o A. M. Friedenberg, Esq., 38 Park Road, New York.
Connecticut Historical Society, Hertford, Conn.
Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
Illinois Historical Society, Springfield, Illinois.
Library of Congress, Washington, D.C.
Maryland Historical Society, Baltimore, Md.
Massachusetts Historical Society, Boston, Mass.
Minnesota Historical Society, Saint Paul, Minn.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston Mass.
New Jersey Historical Society, 16, West Park Street, Newark, N.J.
New Hampshire State Library, Concord, N.H.
New York Historical Society, 77 Street and Central Park West, New York.
Rhode Island Historical Society, Providence, R.I.
South Carolina Historical Society, Charleston, S.C.
Texas State Historical Society, Austin, Texas.
Virginia Historical Society, 707 East Franklin Street, Richmond, Va.

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